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OFFICIAL

JOURNAL OF THE PROCEEDINGS

OF THE

CONVENTION,

FOR

FRAMING A CONSTITUTION

FOR THE

STATE OF LOUISIANA.

BY AUTHORITY.

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NEW ORLEANS:

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# JOURNAL OF THE CONVENTION

FOR

## FRAMING A CONSTITUTION FOR THE STATE OF LOUISIANA.

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### FIRST DAY.

NEW ORLEANS, November 23, 1867.

The Convention was called to order at 12 o'clock m. by W. R. Crane, of Orleans.

On motion of W. R. Crane, of Orleans, R. G. Gardner, of Jefferson, was nominated as President *pro tem.*

On motion of R. I. Cromwell, of Orleans, Wm. Vigers was appointed Secretary *pro tem.*

W. R. Crane, of Orleans, moved to nominate a Sergeant-at-Arms, *pro tem.*

W. H. Cooley, of Pointe-Coupee, moved that the roll be called to ascertain whether a quorum was present.

J. H. Ingraham, of Caddo, moved that the Roll Secretary be ordered to read the military order calling this Convention to assemble.

The Secretary then read Special Order No. 166, after which the following delegates answered to the roll :

Messrs. P. F. Valfroit, Milton Morris, O. H. Heampstead, P. Poindexter, F. Edwards, Ls. Francois, G. W. Reagan, F. Lange, W. H. Cooley, E. Bonnefoi, Theop. Myers, J. H. Ingraham, C. C. Antoine, A. Bernard, John Lynch, Thos. P. Harrison, J. F. Taliaferro, Wm. H. Meadows, James H. Landers, J. B. Lewis, J. B. Snider, J. P. Newsham, R. Lewis, John Gair, H. Williams, P. G. Deslonde, Wm. Brown, Thos. N. Martin, R. G. Gardner, N. Schwab, D. H. Reese, Wm. Murrell, F. Riard, Wm. Butler, G. Dupart, D. D. Riggs, Thos. Leroy, W. H. Hiestand, Chs. Smith, D. Wilson, R. H. Isabelle, S. Moses, S. Jones, Wm. R. Crane, H. Bonseigneur, Thos. Isabelle, L. Rodriguez, S. Belden, G. M. Wickliffe, R. I. Cromwell, P. B. S. Pinchback; E. D. Tinchant, C. B. H. Duplessis, D. Douglas, A. Bertonneau, O. C. Blandin, J.

A. Massicot, S. B. Packard, L. Guichard, Charles A. Thibaut, Geo. W. Dearing, G. Y. Kelso, S. Cuney, Denis Burrell, J. Deslonde, P. Harper, J. C. Oliver, N. Underwood, Geo. H. Jackson, J. B. Vandergriff, S. L. Snaer, J. B. Esnard, F. Marie, U. Dupart—78 members answered to their names.

Capt. Pinchback, of Orleans, offered a resolution to be read by the Secretary.

R. I. Cromwell of Orleans, objected to the reading of the resolution as being premature.

P. B. S. Pinchback, of Orleans, withdrew his resolution.

A motion to adjourn was lost by the following vote:

Ayes 31; nays 48.

The Convention then proceeded to select a Sergeant-at-Arms *pro tem.*

Mr. Crane, of Orleans, nominated D. W. Shaw.

R. H. Isabelle, of Orleans, nominated J. M. Davis.

R. I. Cromwell, of Orleans, nominated N. Villere.

Mr. Wickliffe moved that the election be made by ballot. Adopted. Ayes 47; nays 10.

A motion that the plurality vote should elect was lost.

J. G. Taliaferro, of Catahoula, and R. Waples, of Orleans, were appointed tellers.

The Secretary *pro tem.* then proceeded to call the roll.

Result of the first ballot :

N. Villere received 12 votes; J. M. Davis received 36 votes; G. W. Shaw received 17 votes; F. Davis received 4 votes; F. Merlin received 2 votes; E. Berhel received 2

votes; E. Davis received 4 votes; Wallace received 1 vote. No election.

A motion was made to elect the Sergeant-at-Arms *viva voce*. Lost.

Second balloting:

J. M. Davis received 38 votes; G. W. Shaw received 35 votes; N. Villere received 2 votes; E. Davis received 1 vote; J. L. Davis received 1 vote.

J. M. Davis, having received the highest number of votes was declared elected Sergeant-at-Arms *pro tem*.

P. B. S. Pinchback, of Orleans, called for the reading of his resolution. A. Berthonneau, of Orleans, moved to adjourn until Monday November 25th, 1867, at 11 o'clock A. M.

The motion to adjourn having prevailed the Convention adjourned to meet on Monday, November 25th, 1867, at 11 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

## SECOND DAY.

NEW ORLEANS, November 25, 1867.

The Convention was called to order at 11 o'clock A. M.

R. G. Gardner, of Jefferson, in the Chair. Prayer was offered by Bishop Campbell.

The Secretary *pro tem*. called the roll and the following delegates answered to their names:

Messrs. C. C. Antoine, L. W. Baker, J. L. Barrett, S. Belden, A. Berthonneau, W. J. Blackburn, O. C. Blandin, Hy. Bonseigneur, E. Bonnefoi, Wm. Brown, Dennis Burrell, Wm. Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, Douglass, Drinkard, Dupart, Ulger Dupart, Duplessis, Esnard, Francois, G. W. Furguson, Gair, Guichard, Harper, Harris, Hempstead, Hielstand, Ingraham, R. H. Isabelle, Thos. Isabele, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McMillen, Morris, Moses, Murrell, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Biggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Taliaferro, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—88 members present.

There being a quorum present, the Convention proceeded to business.

The minutes of the last session are read by the Secretary *pro tem*. and adopted.

G. M. Wickliffe, of Orleans, moved that Rev. Drs. Turner, Campbell, Newman, Mr. Page and ex-Governor Wells be invited to take seats on the platform. Seconded and adopted.

Mr. G. M. Wickliffe, of Orleans, offered the following resolution:

*Resolved*, That all subordinate officers and employers of this Convention shall be drawn equally from both races.

Thos. Deslonde, of St. Charles, moved to lay the resolution on the table. Seconded.

Mr. Wilson, of Orleans, called for the ayes and nays. Carried.

The following delegates voted aye:

Messrs. Antoine, Baker, Barrett, Brown, Belden, Blackburn, Blandin, Burrell, Crawford, Cromwell, Cuney, Dearing, Deslonde, Jos. Deslonde, Donato, Douglass, Drinkard, Ferguson, Guichard, Harper, Harris, Hempstead, Hiestand, Kelso, Landers, Leroy, Lewis, R. Lewis, Ludeling, Massicot, Meadows, McMillen, Morris, Murrell, Newsham, Oliver, Packard, Reagan, Reese, Roberts, Scott, Snider, Taliaferro, Twitchell, Underwood, Vandergriff, Vidal—47 ayes.

The following delegates voted nay:

Messrs. Berthonneau, Hy. Bonseigneur, Bonnefoi, Butler, Cooley, Crane, Francois, Demarest, Depasseau, Dupart, U. Dupart, Duplessis, Esnard, Ingraham, Isabelle, Thos. Isabelle, Jones, Lange, Marie, Martin, Moses, Mushaway, Myers, Pinchback, Poindexter, Pollard, Riard, Riggs, Rodriguez, Schwab, Smith, Snaer, Thibaut, Valfroit, Waples, Wickliffe, Williams, Wilson—38 nays.

The resolution was laid on the table.

Mr. Smith, of Orleans, moved that the Convention proceed to a permanent organization. Carried.

Mr. Cromwell, of Orleans, moved that the Convention President, Secretary, Sergeant-at-Arms and Doorkeeper be elected by ballot.

Mr. Cooley, of Point Coupee, moved to elect the President *viva voce*.

Mr. Jones, of Orleans, moved that the motion be laid on the table. Carried.

Mr. Berthonneau, of Orleans, nominates Rufus Waples.

Mr. Dupart, of Livingston, nominates W. R. Crane.

Mr. Charles Smith, of Orleans, nominates J. G. Taliaferro.

Mr. S. Snaer, of St. Martin, nominates S. Belden.

Mr. O. C. Blandin, of Orleans, moved that the nominations be closed.

Mr. R. H. Isabelle, of Orleans, moved that three tellers be appointed. Carried.

The chair appoints Messrs. J. H. Ingraham, of Caddo, Wm. H. Cooley, of Point Coupee, J. Mushaway, of Orleans, tellers.

#### First balloting:

R. Waples received 18 votes; W. R. Crane received 20 votes; S. Belden received 10 votes; Mr. Taliaferro received 39 votes; Chas. Smith received 1 vote.

Mr. J. P. Newsham, moved that the two highest candidates be balloted for, which, on motion of Mr. G. M. Wickliffe, was laid on the table.

Mr. S. Snaer, of St. Martin, withdraws the name of S. Belden.

The Convention then proceeded to a second balloting.

#### Second balloting:

Mr. Taliaferro, received 45 votes; Mr. Crane received 29 votes; Mr. Waples received 15 votes; Mr. Gardner received 1 vote.

There being one vote cast more than the number of delegates present the Convention proceeded to a third balloting.

A. Bertonneau, of Orleans, withdraws the name of R. Waples.

#### Third balloting:

Mr. Taliaferro received 57 votes; Mr. Crane received 38 votes.

J. G. Taliaferro, of Catahoula, is declared the President elect of the Convention.

G. M. Wickliffe, of Orleans, moved that the election be made unanimous. Carried.

P. B. S. Pinchback, of Orleans, moved that a committee of three be appointed to escort the President elect to the chair. Carried.

The chair appoints Messrs. Pinchback, Wickliffe, Waples. After a few preliminary remarks the President took his seat.

Mr. Wm. H. Cooley, of Point Coupee, offered the following resolution:

*Resolved*, That a committee of seven members be appointed by the chair, to recommend

to this Convention suitable persons to occupy the places of Secretary, Assistant Secretary, Sergeant-at-Arms, Door-keeper and Postmaster, and that said committee be instructed to report to-morrow at the opening of this body.

On motion of Mr. L. Rodriguez, of Orleans, it was laid on the table.

Mr. P. B. S. Pinchback, of Orleans, moved to elect a Secretary by ballot. Carried.

Mr. S. Belden, of Orleans, nominated Mr. Wm. Vigers.

Mr. H. Bonseigneur, of Orleans, nominated Mr. H. F. Campbell,

The chair appointed as tellers Messrs. Belden and Smith, of Orleans, and Mr. Vidal, of St. Landry.

The Convention proceeded to ballot for a Secretary.

#### First balloting:

William Vigers received 54 votes; H. G. Campbell received 31 votes; H. Train received 1 vote; J. L. Campbell received 3 votes.

Wm. Vigers, having received the majority of votes, was declared elected Secretary of the Convention.

Mr. D. Wilson, of Orleans, moved to proceed to the election of a Sergeant-at-Arms. Carried.

Mr. J. P. Newsham, of West Feliciana, moved to adjourn until 5 o'clock p. m. *Lost*.

Mr. W. L. McMillen, of Carroll, offered the following resolution :

*Resolved*, That a committee of thirteen (13) members be appointed to report rules and regulations to govern the proceedings of this Convention, and the number, character and designation of the various standing committees necessary in framing a Constitution.

Mr. Pinchback, of Orleans, moved for a call of the House to ascertain whether a quorum was present.

Eighty-two members answered to their names.

Nominations being declared in order the following gentlemen were nominated for the office of Sergeant-at-Arms :

J. M. Davis, L. Berhel, C. C. Morgan, N. Villere, Chas. Gradpre, E. Davis, L. J. P. Capla, D. W. Shaw.

Thos. S. Crawford, of Caldwell, moved to adopt. *Lost*.

A. Bertonneau, of Orleans, moved that a plurality of votes should determine the election. Adopted on a division. Ayes 57, nays 23.

The Convention then proceeded to ballot.

First balloting :

J. M. Davis received 25 votes; R. Davis received 14 votes; L. Berhel received 26 votes; C. C. Morgan received 2 votes; N. Villere received 3 votes; Chas. Grandpre received 2 votes; D. W. Shaw received 7 votes; E. W. Shaw received 7 votes; Chas. E. Murrel received 1 vote.

Mr. L. Berhel having received the highest number of votes was declared elected Sergeant-at-Arms.

On motion of O. C. Blandin, of Orleans, the Convention adjourned to meet on Tuesday, November 26, 1867, at 10 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

### THIRD DAY.

NEW ORLEANS, November 26, 1867.

The Convention met at 10 o'clock A. M. Judge Taliaferro, of Catahoula, in the chair.

The Secretary proceeded to call the roll, and the following members answered to their names:

Messrs. Antoine, Baker, Barrett, Belden, Bertonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, J. Deslonde, Donato, Douglass, Drinkard, Dupart, U. Dupart, Duplessis, Esnard, Francois, Ferguson, Gair, Gardner, Guichard, Harper, Harris, Hempstead, Ingraham, Thos. Isabelle, R. H. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Ludeling, Marie, Martin, Massicot, Meadows, McMillen, Morris, Mosses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Smith, Scott, Snaer, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—85 members present.

There being a quorum present, the Secretary proceeded to read the minutes of the last session, which, after a slight correction from Chas. Smith, of Orleans, were adopted,

The following letter was read by the Secretary:

NEW ORLEANS, November 25, 1867.

To the Hon. President and Members of the Constitutional Convention of Louisiana:

GENTLEMEN—I have the honor, in the name of Hon. T. L. Treloock, Secretary of the Union Congressional Committee, to present herewith, for the use of the Convention, a copy of the New York Constitutional Manual, containing a copy of all the States of the Union.

Very respectfully your ob't serv't.

(Signed) H. C. WARMOTH.

W. R. Jones, of Orleans, moved that a vote of thanks be tendered to J. L. Treloock. Adopted.

W. H. Cooley, of Point Coupee, offered the following resolution:

*Resolved*, That an invitation to the privileges to the floor of the Convention be extended to the Hon. B. L. Lynch, Judge H. C. Warmoth, Dr. M. A. Southworth and Judge J. K. Belden.

Chas. Smith, of Orleans, moved to amend so as to include the members of the Convention of 1864.

Which, on motion of A. Bertonneau, of Orleans, was laid on the table.

The original resolution was then adopted.

J. P. Newsham, of West Feliciana, offered the following resolution:

*Resolved*, That the members of the public press of the city of New Orleans be invited to take seats within the bar of the Convention during the session thereof.

T. S. Crawford, of Ouachita, moved to amend as follows:

That all members of the public press of the United States.

The resolution as amended was adopted.

Chas. Smith, of Orleans, offered the following resolution:

*Resolved*, That the Judges of the Supreme Court and the District Court, ex-members of Congress, and ex-Governor Hahn be invited to seats within the bar.

G. M. Wickliffe, of Orleans, moved to amend as follows:

On the platform.

The resolution as amended was adopted.

R. H. Isabelle, of Orleans, moved that the proceedings of the Convention be opened daily by prayer. Carried.

G. M. Wickliffe, of Orleans, offered the following:

*Resolved*, That a committee of three be appointed to invite the clergy, who are will-

ing to act as chaplains to this Convention to furnish the chairman of said committee a list of their names, in order that the daily sessions of this Convention may be opened with prayer.

Seconded and adopted.

J. H. Ingraham, of Caddo, offered the following resolution:

*Resolved*, That the State Librarian be requested to furnish each member of this Convention with a copy of the revised statutes of Louisiana, from 1812 to 1856, also, copies of all acts of the Legislature from 1856 to 1867. It being understood that all books so furnished will be returned to the State Librarian when this Convention will adjourn *sine die*.

G. M. Wickliffe, of Orleans, offered the following amendment:

That the Librarian be requested to furnish the revised statutes of 1855 and 56.

Which on motion the resolution as amended was adopted.

A. Berthonneau, of Orleans, moved that the Convention do now proceed to elect a Minute Clerk and Doorkeeper.

W. H. Cooley, of Point Coupee, moved that the election be postponed until the Committee on Rules and Regulations report.

G. M. Wickliffe, of Orleans, moved that Rev. T. W. Conway be invited to take a seat on the platform. Carried.

G. M. Wickliffe, of Orleans, offered the following resolution:

*Resolved*, That a committee of seven be appointed by the chair to determine the number of subordinate officers and employees of this Convention, the salaries to be attached to each.

Charles Smith, of Orleans, moved to lay the whole subject on the table and proceed to a permanent organization.

W. H. Cooley, of Point Coupee, offered the following resolution:

*Resolved*, That the election of all officers except Doorkeeper be postponed until the reception and final disposition of the report of the committee of thirteen, appointed this day.

Seconded and adopted.

P. B. S. Pinchback moved to proceed to ballot. Carried.

The following gentlemen were nominated:

W. Mulford, M. Raymond, J. Hurst, A.

Monroe, J. A. Deslonde, J. T. Burges, J. T. Deslonde, J. B. Jourdain, J. M. Vance, P. K. O'Connor, J. B. Lewis, Josiah Doyle.

Charles Smith, of Orleans, moved that three tellers be appointed.

The chair appointed:

Messrs. Pinchback, of Orleans, Snaer and Vandergriff, of Saint Mary.

G. M. Wickliffe, of Orleans, moved that the plurality of votes should prevail. Seconded and carried.

The Secretary proceeded to call the roll.

Result of the first balloting:

Mr. Raimond received one vote; Mr. Mulford, 17; J. A. Deslonde, 12; J. B. Jourdain, 12; A. Monroe, 18; J. M. Vance, 13; P. K. O'Connor, 7; D. W. Shaw, 2; J. Doyle, 9; T. J. Hill, 2; Burgess, 1.

A. Monroe having received the highest number of votes, was declared elected Doorkeeper.

The President then announced the committee of (13) thirteen, as follows:

W. L. McMillen, chairman; J. S. Crawford, J. H. Ingraham, W. H. Cooley, J. B. Newsham, P. B. S. Pinchback, J. F. Luddington, M. Vidal, R. I. Cromwell, R. Waples, Geo. Y. Kelso, R. G. Gardner, J. H. Landers.

Mr. Reagan, of East Baton Rouge, moved to proceed to the election of a Postmaster. Declared out of order.

Geo. W. Reagan moved to reconsider the vote on the resolution of Wm. H. Cooley, of Point Coupee. Seconded.

Ayes 33, nays 31. Lost.

Mr. Reagan, of East Baton Rouge, offered the following resolution:

*Resolved*, That, for the government of this Convention, until rules and regulations shall have been prepared and adopted, we be governed by those of the Convention of 1864.

W. H. Cooley, of Point Coupee, offered the following amendment:

That this Convention be governed by the rules and regulations of the House of Representatives of the United States.

The resolution as amended was then adopted.

Ed. Tinchant, of Orleans, offered the following resolution:

*Resolved*, That a copy of the Military Reconstruction Bill be furnished to each mem-

ber of this Convention. Laid on the table.

Mr. Jones, of Orleans, offered the following resolution :

*Resolved*, That the Sergeant-at-Arms be instructed to call upon the Secretary of the Sub-Central Executive Committee of the Republican party, who is requested to furnish him with the Military and Supplementary Bills, passed on March the 2d, 1867. Seconded and adopted.

S. Belden, of Orleans, offered the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Convention be authorized to appoint two Assistant Sergeant-at-Arms, who will remain to assist, at the will of the Convention.

J. B. Vandergriff, of St. Martin, moved to lay the resolution on the table.

Carried.

A. Berthonneau, of Orleans, moved that the Convention proceed to elect an official printer.

J. P. Newsham, of West Feliciana, moved to lay the motion on the table.

Ayes 30, nays 49. Lost.

H. Bonseigneur, of Orleans, moved that the vote be taken by *viva voce*.

Mr. Reagan moved to lay the motion on the table.

Wm. R. Crane, of Orleans, moved the ayes and nays be called. Carried.

The following delegates voted aye:

Messrs. Antoine, Baker, Barrett, Blackburn, Brown, Burrell, Cooley, Crawford, Cromwell, Cuney, Dearing, Jas. Deslonde, Donato, Drinkard, Ferguson, Francis, Fuller, Gair, Harper, Harris, Hemstead, Hiestand, Ingraham, Kelso, Landers, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, McMillen, Murrell, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Reagan, Rees, Riard, Riggs, Scott, Snaer, Steele, Twitchell, Underwood, Valfroit, Vandergriff, Vidal—51 ayes.

The following delegates voted nay:

Messrs. Belden, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Butler, Crane, Depasseau, P. G. Deslonde, Douglass, G. Dupart, U. Dupart, Duplessis, Esnard, Gardner, Guichard, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Lange, Marie, Martin, Meadows, Milton, Moses, Mushaway, Myers, Pollard, Rodriguez, Schwab, Smith, Thibaut, Tinchant, Waples, Wickliffe, Williams, Wilson—35 nays.

The motion to vote *viva voce* was lost—  
ayes 51, nays 35.

D. Wilson, of Orleans, moved to adjourn. Mr. Isabelle, of Orleans, moved to take a recess of twenty minutes.

P. B. S. Pinchback, of Orleans, moved to lay the motion on the table. Carried.

D. Wilson moved to adjourn until 2 o'clock p. m. Lost.

Mr. Vandergriff, of St. Martin, nominated L. S. Brown & Co.

T. M. Martin, of Jefferson, nominated J. B. Roudanez & Co.

R. Waples, of Orleans, requested permission to speak before calling the roll.

The chair decided the gentleman out of order.

Ed. Tinchant, of Orleans, offered the following resolution:

*Resolved*, That the Hon. R. Waples, of Orleans, be allowed to speak on the subject.

J. M. Wickliffe, of Orleans, appealed from the decision of the chair.

The chair was sustained by the following vote:

Ayes 47, nays 38.

The chair appointed as tellers P. B. S. Pinchback, of Orleans, S. Moses, of Orleans, J. P. Newsham, of West Feliciana.

The Secretary proceeded to call the roll.

First balloting:

J. B. Roudanez & Co. received 46 votes. S. L. Brown & Co. received 45 votes.

J. B. Roudanez & Co. having received the highest number of votes, were declared the official printers of the Convention.

On motion of J. Mushaway, of Orleans, the Convention adjourned to meet on Wednesday, November 27, 1867, at 10 o'clock a. m.

A true copy:

WM. VIGERS, Secretary.

#### FOURTH DAY.

NEW ORLEANS, November 27, 1867.  
At ten o'clock a. m. the Convention was called to order.

J. G. Taliaferro in the chair.

Mr. Wickliffe, of Orleans, moved that Rev. Dr. Conway be invited to open the proceedings with a prayer. Adopted.

Prayer by the Rev. Conway.

Roll called by the Secretary. The following delegates answered to their names:

President J. G. Taliaferro, Messrs. Antoine, Baker, Barrett, Belden, Berthonneau, Blandin, Blackburn, Bonseigneur, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, Donato, Douglass, Drinkard, Dupart, Duplessis, Esnard, Francois, Fuller, Gair, Gardner, Harper, Hiestand, Ingraham, R. H. Isabelle, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, Ludeling, Marie, Martin, Meadows, Martin, Moses, Murrell, Mushaway, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Scott, Snider, Thibaut, Twitchell, Underwood, Valfroit, Vandergiff, Williams, Wilson—73 members present.

The Secretary then read the minutes of the last meeting, which on motion were adopted.

J. T. Ludeling, of Caldwell, and several of the Committee of Thirteen requested permission to retire to the committee room. Granted.

G. M. Wickliffe, of Orleans, offered the following resolution:

WHEREAS, The enemies of the Radical party in Louisiana have succeeded but too well in inflaming the prejudices of the white people against the colored of our State, and against all the Radical Republicans on account of their connection with that party; and

WHEREAS, It is the true interest of the colored race and the true policy of the Republican Radical party, and their true and real honest desire to dissipate this unfounded prejudice by a course of strict justice and honor, and by using every endeavor to preserve peace and good order; therefore

*Resolved*, That the delegates to this Convention, as the direct and legal representatives of the Radical Republican party, and as the true friends of the colored race, do hereby utterly repudiate all desire for class legislation, and all desire to Africanize the State of Louisiana, and that we do not, as a people or party, desire or meditate, nor will we countenance bloodshed or revenge.

*Resolved*, That all we claim is equality before the law for all men without distinction of race or color or previous condition, and shall endeavor to secure this great consideration of all just men, and to inaugurate a system of government that will secure the great political, civil, social and industrial welfare.

*Resolved*, That we deprecate the sentiments expressed in the leading article of the Republican newspaper of this city, in

its issue of November 25, 1867, and denounce the said article as incendiary, uncalled for, dangerous to the best interests of our party, and declare that the said paper, in said article, does not represent the sentiments, wishes or purposes of the Radical Republican party of Louisiana, or of the colored race.

*Resolved*, That while we do not expect aught else from rebel sheets but misrepresentations, falsehood and calumny, and are fully aware that the sentiments uttered by those despicable hireling sheets, are not entertained by the honorable portion of the Southern people, we most solemnly protest against all such unauthorized and dangerous sentiments, views and purposes.

Mr. Reagan, of East Baton Rouge, moved to lay the resolution on the table.

Mr. Wickliffe, of Orlens, requested the Secretary to read an extract from a newspaper.

The Secretary then read the extract. Mr. Schawb, of Jefferson, offered the following amendment:

WHEREAS, The discussion of this article takes us all the time to discuss it; therefore :

*Resolved*, That we no longer discuss upon but simply denounce the article as injurious to the Republican principles, and a misrepresentation thereof, and proceed to further business.

Mr. Pinchback, of Orleans, moved to lay the whole subject on the table.

Carried—Ayes 41, nays 36.

By Jos. Deslonde, of Saint John the Baptist :

*Resolved*, That Major Gen. J. A. Mower and staff be respectfully invited to visit this Convention, and that a committee of five be appointed by the chair to wait on Gen. Mower and communicate this resolution to him.

Which, on motion, was adopted.

Mr. Wickliffe, of Orleans, offered the following resolution :

*Resolved*, That a committee be appointed to secure a copy of the rules of order of the House of Representatives of the United States Congress and instruct the Printer of this Convention to furnish one hundred copies for the use of the members of this Convention.

G. W. Ferguson moved to lay the resolution on the table. Lost.

Mr. Lynch, of Morehouse, moved that it be referred to a committee of thirteen. Carried.

The Convention, on motion, took a recess of one hour to await the report of the committee of thirteen.

At 1½ o'clock p. m. the Convention was called to order. 82 delegates present.

The Secretary read the names of the following committee

Committee on Inviting the Clergy :

G. M. Wickliffe, of Orleans, chairman ; J. Mushaway, of Orleans, P. F. Valfroit, of Ascension.

The committee to wait on Gen. Mower:

J. Deslonde, chairman; J. Lynch, of Morehouse, A. Donato, of St. Landry, N. Schwab, of Jefferson, S. Jones, W. L. McMillen, of Carroll.

The chairman of the Committee on Rules and Regulations offered the following report :

REPORT.

The Committee on Rules and Regulations beg to report back the resolution introduced by the honorable member from Orleans with the recommendation that it be indefinitely postponed.

Mr. Vandergriff, of St. Martin, moved that the report be received and adopted. Carried.

Mr. Wickliffe, of Orleans, moved that the rule 6 of the regulations be amended. Lost.

P. B. S. Pinchback, of Orleans, moved that 100 copies of the rules and regulations be printed for the use of the members.

Mr. Belden, of Orleans, moved to amend to 200.

The resolution as amended was adopted.

Mr. Berthonneau, of Orleans, moved to reconsider the vote on the adoption of rules and regulations.

Mr. Cooley, of Point Coupee, moved to lay the resolution on the table.

Carried—ayes 38, nays 37.

Mr. Wickliffe, of Orleans, offered the following resolution:

*Resolved*, That every member of this Convention who shall not be present at roll-call of each day, at the opening of its session, shall forfeit his *per diem* for that day, and it shall be the duty of the Secretary to keep an exact account of the absenteers on such occasions, and furnish the same to the Treasurer or other person that may be authorized to pay the members their salary.

Which was withdrawn by the mover.

Mr. Barrett, of Union, offered the following resolution:

*Resolved*, That the Convention now proceed to choose seats permanently by lot, drawing by delegation.

Laid over under the rules.

Mr. Wickliffe, of Orleans, moved that when this Convention adjourn it adjourn to meet on Friday, at 11 o'clock a. m. Adopted.

Mr. Belden, moved to adjourn. Lost.

Mr. Ingraham, of Caddo, moved that this Convention proceed to elect the remaining officers necessary to perfect its organization. Adopted.

W. H. McMillen, of Corroll, nominated H. J. Campbell, as Minute Clerk of this Convention.

Mr. Lynch, of Morehouse, moved that his election be made by acclamation. Adopted.

Mr. Campbell was unanimously elected Minute Clerk of this Convention.

Wm. H. Cooley, of Point Coupee, moved to go into an election of two assistant Sergeant-at-Arms. Adopted.

The following gentlemen were nominated.

J. W. Davis, Oliver Scott, N. Villere, Wallace E. Gardette, J. H. Flag, J. A. Craig, J. B. Jourdain, S. Kain, J. W. Vance, William H. Horners, P. K. O'Connor, Wm. Scott, W. Collins.

Mr. Smith, of Orleans, moved that the candidate receiving the highest number of votes be declared elected. Adopted.

Mr. Moses, of Orleans, moved that three tellers be appointed. Adopted.

The President appoints Mr. Smith, of Orleans, Morris, of Ascension, Snaer, of St. Martin.

First balloting:

J. M. Davis received 84 votes; N. Villere received 21 votes; E. Gardette received 21 votes; C. C. Morgan received 1 vote; W. H. Horners received 7 votes; W. Scott received 3 votes; S. Kain received 7 votes; J. W. Vance received 8 votes; Alexander Scott 21 votes; J. W. Wallace received 3 votes; W. Collins, received 3 votes; J. H. Flag received 2 votes; J. A. Craig received 2 votes.

J. M. Davis was declared elected Assistant Sergeant-at-Arms.

There being three candidates having received the same number of votes, on motion of S. Belden, of Orleans, the Convention proceeded to ballot for a second Assistant Sergeant-at-Arms.

Mr. Cooley, of Point Coupee, moved that the three highest be voted for. Adopted.

Second balloting :

Alex. Scott received 28 votes; E. Gardette received 38 votes; N. Villere received 21 votes.

E. Gardette was declared elected second Assistant Sergeant-at-Arms.

Mr. McMillen, of Carroll, moved to elect an Assistant Secretary. Carried.

A. Bertonneau, of Orleans, nominated J. Sarta.

Mr. McMillen, of Carroll, nominated H. Carstens.

R. I. Cromwell, of Orleans, nominated Thos B. Waters.

P. B. S. Pinchback, of Orleans, was appointed teller, in the place of Chas. Smith, of Orleans.

First balloting :

J. Sarta received 34 votes; Waters received 25 votes; Carstens received 23 votes; J. L. Montieu received 1 vote; Mr. Raghee received 2 votes.

No candidate having received a majority there was no election.

On motion of Jos. Deslonde, of Saint John Baptist, the Convention adjourned to meet on Friday, November 29th, 1867, at 11 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

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FIFTH DAY.

NOVEMBER 29, 1867.

The Convention met at 11 o'clock A. M.

On motion of Mr. Ragan, of Baton Rouge, Mr. Ingraham, Caddo, was called to the chair in the absence of the President.

The roll was called.

The following delegates answered to their names :

Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrell, Butler, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, J. Deslonde, Douglass, Drinkard, Dupart, G. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gair,

Gardiner, Gould, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLeran, Milton, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchel, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—88 members present.

Prayer was offered by the Rev. Maistre.

The minutes of yesterday were read and approved.

Mr. Vandergriff, of St. Martin parish, moved to invite Maj. Gen. Winfield Hancock and staff to visit the Convention, and that a committee of seven be appointed by the chair to wait upon the Major General and inform him of the action of the Convention.

Mr. Smith, of Orleans, moved to amend, by including the name of Governor Flanders. The amendment was accepted and the motion as amended was adopted.

Mr. Demarest, of St. Mary, moved that the Commissioners of the recent election, under the Military Reconstruction Bill, shall receive the same pay per diem for their two days' services as the members of this Convention.

Mr. Newsham, of West Feliciana, moved that it lie on the table, which was lost.

Mr. Lynch, of Morehouse, moved it be referred to the Committee on Contingent Expenses, which was carried.

Mr. Brown, of Iberville, moved that there be allowed to each delegate four newspapers, to be selected by himself, which on motion of Mr. Wickliffe, of Orleans, was laid on the table.

Mr. Newsham, of West Feliciana, moved that the Sergeant-at-Arms be instructed to place a copy of each daily newspaper upon the desk of each member of the Convention.

Mr. Underwood, of St. James, moved that the Sergeant-at-Arms be instructed to supply each member of the Convention with a copy of the following named papers, viz: *The New Orleans Republican, TRIBUNE, Advo-*

cate and Picayune, which on motion of Mr. Cooley, of Point Coupee, was laid on the table.

Mr. Tinchant, of Orleans, moved that the Sergeant-at-Arms be instructed to cause the United States flag to be hoisted on top of this building from sunrise until sunset every day during the session of this Convention, which was adopted.

President Taliaferro took the chair.

Mr. Blackburn, of Claiborne, offered the following resolution :

*Resolved*, That any member of this Convention may have the privilege to invite, temporarily, within the bar or to his own desk, a visiting friend, which lays over under the rules.

Mr. Newsham, of West Feliciana, moved that the recent removals by Gen. Mower of State officials; who had been chosen to their respective offices as a reward for their services to the rebellion, meet the approval of this Convention as wise and patriotic.

*Resolved*, That attested copies of these resolutions be telegraphed at once to Gen. Grant, Senator Wade and Speaker Colfax. Adopted.

Mr. Newsham, of West Feliciana, moved that the Sergeant-at-Arms be instructed to lay a copy of each loyal paper in the city of New Orleans upon the desk of each member of the Convention.

Mr. Cooley, of Point Poupee, moved to amend, leaving the choice of the papers to each member.

Mr. Belden, of Orleans, suggested that the hour had arrived for taking up the order of the day. Adopted.

Mr. Newsham, of West Feliciana, moved that the Sergeant-at-Arms be instructed to place seats or benches in the lobby of the Convention for the accomodation of persons visiting this Convention. Adopted.

Mr. Newsham, of West Feliciana, rose to a question of privilege to inquire if after a resolution was in the hands of the Secretary the mover could have the privilege of withdrawing it to offer again in the shape of motion. The chair decided the question in the negative.

Mr. Crawford moved to proceed to consideration of the unfinished business of the preceding day. Adopted.

Mr. Reagan, of West Baton Rouge, offered the following resolution :

WHEREAS, The peculiar and unprecedented nature of the new element which is now merging into legitimate form is destined soon to become the law and law-making power of the State ; and

WHEREAS, The dilapidated condition of all the ressources of the State by the ravages of war has greatly obstructed many of the avenues of information ; and

WHEREAS, It is reasonably apprehended that great effort will be made to prevent the adoption of the Constitution to be submitted by the Convention to the people, by the combined powers of the Conservative press, by great machinations, and by open violence ; and

WHEREAS, It is deemed by this Convention indispensably necessary that all the sources and instrumentalities within the control of this body should be used for the purpose of effecting a thorough dissemination of our proceedings and the result of our deliberations among the people of this State, therefore be it

*Resolved*, That the proprietors of the New Orleans Republican be and they are hereby employed to publish regularly the proceedings of this Convention, for which they shall be paid by the State on a warrant from the Convention, signed by the President and Secretary, a compensation *pro rata* with the established custom of printing.

Laid over under the rules.

Mr. Belden moved to take up the order of the day. Adopted.

The order of the day was taken up, and the Convention proceeded to the election by ballot of an Assistant Secretary. Messrs. Belden, of Orleans, Butler, Brown, of Iberville, were appointed as tellers.

Upon the first ballot, T. B. Waters received forty-five (45) votes.

J. Sarta received thirty-nine (39) votes.

W. H. Carstens received twelve (12) votes.

J. M. Wells received one (1) vote.

And Mr. Waters was declared duly elected.

R. I. Cromwell, of Orleans, asked for a suspension of the rules to offer a resolution.

Mr. Wickliffe, of Orleans, rose to a point of order, and called for the announcement of the standing committees.

Mr. Barrett, of Union, rose to the following point of order: That resolutions lying over from yesterday were now the order of the day; which being decided affirmatively

by the chair, the following resolution was read:

*Resolved*, That this Convention now proceed to choose seats permanently by lot, drawing by delegations.

Which was adopted.

Mr. Wickliffe, of Orleans, moved that the name of each delegation, including the five districts of Orleans, be written on a slip of paper, that the Sergeant-at-Arms draw, and each delegate shall select seats as drawn from the box. The Convention then proceeded to assign the seats, after which a recess of fifteen minutes was taken, at the expiration of which the Convention was called to order, and the President announced the appointment of thstanding committees as follows:

Legislative Department—J. L. Barrett, chairman; John Lynch, T. S. Crawford, J. B. Deslonde, Solomon Moses, A. Bertronneau and S. B. Packard.

Executive Department—Wm. McMillen, chairman; S. Belden, Fielding Edwards, J. H. Landers, Curtis Pollard, Emile Bonnefoi, Geo. Y. Kelso, J. B. Vandergriff and D. H. Reese.

Judiciary—J. P. Ludeling, chairman; R. Waples, A. N. Gould, Wm. R. Meadows, Thomas P. Harrison, Geo. W. Dearing Jr., and W. H. Cooley.

General Provisions—Thomas Crawford, chairman; Charles Leroy, L. M. Baker, R. I. Cromwell, R. G. Gardner, Wm. H. Cooley, Jno. L. Ludeling.

Ordinance and Schedule—Rufus Waples, chairman; J. P. Newsham, T. S. Crawford, W. H. Cooley, Jno. L. Ludeling, Jno. L. Barrett, S. Belden.

On Enrollment—J. B. Vandergriff, chairman; Sothene Snaer, Napoleon Underwood, J. B. Lewis, Benj. McLeran.

Printing—W. J. Blackburn, chairman; Michel Vidal, Charles Thibaut, W. H. Hiestand, S. H. Cuney, W. H. Twitchel, Wm. Brown.

Finance—H. W. Fuller, chairman; Jno. S. Harris, J. G. Drinkard, Jno. L. Barrett, W. L. McMillen.

Militia—P. S. Pinckback, chairman; C. C. Antoine, Simon Jones, N. Schawb, Charles Smith, R. H. Isabelle, Victor Lange, Rufus Waples, Milton Morris, Wm. Murrell, L. Rodriguez, Jno. Gair, W. R. Crane.

Public Education—John Lynch, chairman; John L. Barrett, H. Bonseigneur, A. J. Bernard, O. C. Blandin, Wm. Butler, Dennis Burrel, A. J. Demarest, P. G. Des-

londe, David Douglas, Theophile Myers, Peter Harper, G. Snider.

Internal Improvement—H. R. Steele, chairman; J. Lynch, Fielding Edwards, Thos. P. Harrison, Jos. C. Oliver, Fortune Riard, Frederic Marie.

Bill of Rights—Jas. H. Ingraham, chairman; John Scott, Gustavus Dupart, D. Wilson, Henderson Williams, John Pierce, C. B. H. Duplessis, Geo. W. Reagan, D. D. Riggs.

Contingent Expenses—H. G. Bonseigneur, chairman; S. Belden, M. Vidal, J. B. Esnard, O. N. Gould.

Draft on the Constitution—W. Cooley, chairman; Thos. S. Crawford, Jno. S. Ludeling, Rufus Waples, W. L. McMillen, Charles Leroy, P. F. Valfroit, J. A. H. Roberts, J. H. Ingraham.

Mr. Wickliffe, of Orleans, requested to be excused from serving on the Committee on Enrollment, which request, on motion of Mr. Cooley, of Point Coupee, was granted, and Mr. Ingraham, of Caddo, appointed in his place.

Mr. Crawford, of Caldwell, announced that Mr. Harrison, member of the Convention from Morehouse, had just arrived in the city, and was confined to his room from illness, and moved that he be granted leave of absence until his recovery. Granted.

The President announced the appointment of the following named pages to the Convention: Lewis C. Daniell, Alexander Armstrong, Edward Simpson, J. L. Dupart.

Mr. McMillen, of Carroll, sent to the Secretary's desk the following ordinance, and moved that it be made the special order of the day, for Monday, at 10 o'clock A. M., which was so ordered:

*Be it ordained by the people of the State of Louisiana in Convention assembled*, That the act of the Legislature of this State, approved the 26th of March, 1857, entitled "An act to provide means for the construction of levees by the issue of bonds of the State for four millions of dollars, and to provide for the redemption of said bonds," is hereby ratified and confirmed, and the said bonds, when issued, whether signed by the persons then acting as Governor and Secretary of State of the State, or by the persons now acting and discharging the duties of Governor and Secretary of State, shall have full force and effect, and the faith of the State for their redemption as pledged and provided in said act shall forever be held valid and of full effect.

Mr. Isabelle, of Orleans, offered the following resolution :

WHEREAS, The disasters visited upon the people of Louisiana, by the overflow, the epidemic, the disorganized condition of money matters in this Commonwealth, have caused much suffering in the cotton growing community, and especially among the freedmen ; and

WHEREAS, The tax on cotton now enforced by the United States Government falls heavy upon the poorer classes of our people ; therefore be it

*Resolved*, By the people of Louisiana in convention assembled, that while we are willing and anxious to support our National Government, yet we have experienced that our people are unable to pay the heavy tax collected on cotton raised in this State; therefore, we petition and urge upon Congress to repeal or modify the said tax on cotton.

*Resolved*, That copies of these resolutions and petition be immediately sent to the President of the Senate and Speaker of the House of Representatives of the United States.

Adopted and passed on its second reading, under a suspension of the rules.

Mr. Cooley, of Point Coupee, moved to suspend the rules that the resolution pass to its second and final reading, which was carried, and the resolution upon its second reading was adopted.

Mr. Wickliffe, of Orleans, moved that one hundred copies of the ordinance offered by Mr. McMillen, be printed for the use of the Convention. Carried.

Mr. Isabelle, of Orleans, offered the following amendment.

*Resolved*, That this amendment be added to rule 3, of the rules and regulations of the Constitutional Convention of the people of Louisiana, viz: first ascertaining if the Convention is ready for the question.

Mr. Cooley, of Point Coupee, moved to lay it on the table. Motion lost.

Mr. J. Deslonde, of St. John Baptist, moved to adjourn. Lost.

Mr. Crawford rose to a point of order, that the amendment under the rules should lie over.

The President ruled the amendment in order.

Mr. R. H. Isabelle, of Orleans, called for the previous question which was ordered by a vote of 47 ayes and 29 nays, and the

question being put upon the amendment it was declared by the President to be adopted.

On motion the Convention adjourned until to-morrow at 11 o'clock.

A true copy :

WM. VIGERS, Secretary.

## SIXTH DAY.

NEW ORLEANS, November 30, 1867.

The Convention met at 11 o'clock a. m. President Taliaferro in the chair.

The roll was called and the following members answered to their names:

Antoine, Baker, Belden, Blandin, Bonseigneur, Bonnefoi, Butler, Cooley, Crawford, Cromwell, Cuney, Dearing, Dupasseau, R. G. Deslonde, Douglas, N. Dupart, Francois, Ferguson, Gair, Gardiner, Guichard, Harris, Hempstead, Ingraham, Isabelle, Thos. Isabelle, Jones, Kelso, Lange, Leroy, Lewis, R. Lewis, Ludeling, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Smith, Scott, Snider, Twitchel, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—68 members.

The minutes were read. Mr. Newsham, of West Feliciana, asked that the name of his parish be correctly stated.

Mr. Belden asked that they be corrected in their statement of a motion being made by him to lay on the table certain matters. They were also amended by inserting the appointment of Mr. Ingraham on the Committee of Enrollment, vice Mr. Wickliffe declined. The minutes as corrected were approved.

The following resolution was read :

*Resolved*, That rule 47 is hereby so amended as to read the words "Minute Clerk," "Warrant Clerk," and after the words "Official Printer" a "Postmaster."

(Signed) GEO. W. REAGAN.

Mr. Ragan, of East Baton Rouge, moved to adopt.

Mr. Wickliffe, of Orleans, moved to amend by adding the words "Chief Enrollment Clerk." The resolution was laid over under the rules.

The following resolutions lie over under the rules :

By Mr. Wickliffe, of Orleans :

*Resolved*, That nothing whatever shall be purchased by the Sergeant-at-Arms or any one else for the use of this Convention, nor shall any appropriation be allowed for any actual or contingent expenses unless duly authorized by a regular vote of this Convention.

By Mr. R. H. Isabelle, of Orleans :

*Resolved*, That a standing committee of thirteen be appointed by the chair to be known as the Committee on the Mode of Revising the Constitution of the State of Louisiana.

By Mr. Smith, of Orleans :

*Resolved*, That a special committee to be composed of three members, be appointed by the chairman to consider and report to this Convention, the present condition of the levees in the State, what progress has been made by the existing Board of Levee Commissioners in negotiating the bond appropriated by the State Legislature for levee purposes, and, also, what action is expedient for this Convention to adopt in relation thereto, and to lay before Congress the necessities of national aid in restoring the levees on the Mississippi river.

*Resolved further*, That the said committee be instructed, if practicable, to bring in the report on Monday next.

Mr. Smith, of Orleans, rose to a point of order to inquire if a resolution offered yesterday and lying over under the rules does not come up for the action of the Convention to-day.

The chair decided that the resolution lies over subject to call after the transaction of the regular business of the morning.

Resolution of Mr. Cromwell, of Orleans.

1. *Resolved*, That we, the representatives of the loyal people of Louisiana, in Convention assembled, are thankful to Almighty God for the success of the Radical Republican party in this State. We hold these truths to be self-evident that all men are created equal, endowed with certain inalienable rights and therefore the law should afford equal protection to *all* the exercise of these *civil, public, political and religious rights*, and insure perfect equality under the *law*.

2. *Resolved*, That this State shall be governed, controlled and directed by those who served it in times of its peril, and who seek to preserve it with friendly hands from its foes.

3. *Resolved*, That rebellion is disfranchisement and armed attempts to overthrow our government, to secure negro *slavery* is treasonable expatriation; and we do en-

dorse the acts of the 29th and 40th Congress, and will reconstruct Louisiana upon the basis of the Reconstruction Bill.

4. *Resolved*, That we are friendly to universal liberty, but *no* universal amnesty; but the continuance of disfranchisement of all Congress *has* and all others we may think necessary for the safety of our common country, and the freedom of the negro race.

Laid over under the rules.

The following resolutions lie over under the rules :

By Mr. Wickliffe, of Orleans :

*Resolved*, That a committee of thirteen be appointed by the President of this Convention, to whom shall be referred the subjects of a preamble for the Constitution, emancipation, the distribution of powers, and federal relations, with instructions to report as early as possible, and such articles as may be deemed proper to incorporate in the Constitution on these subjects.

By Mr. Wickliffe, of Orleans :

*Resolved*, That a committee of seven, on style and arrangement, be appointed by the chair, to whom shall be committed the duty of giving proper and formal expression to all articles for the Constitution that may be adopted by this Convention, and properly arrange the various articles and subjects under the proper titles and in their proper order, and it shall be the duty of this committee to take charge of all articles of the Constitution as fast as adopted by the Convention, and thus expedite the general expression and arrangement of the Constitution.

By Mr. Wilson, of Orleans:

#### PREAMBLE.

We, the loyal people of the State of Louisiana, in order to form a more perfect Union, to establish justice, domestic happiness and to provide for the common defense and promote the general welfare of all citizens, and to secure liberty to ourselves and our posterity and to all citizens of every race and color, without regard to previous condition, do ordain and establish this the Constitution for the State of Louisiana.

Mr. Moses, of Orleans, moved that two messengers be elected to perform such duties as the Convention should require or direct. Laid on the table.

Mr. Cooley, of Point Coupee, moved to repeal the vote of Monday which provided for the opening of each session of the Convention with prayer. Laid on the table,

Mr. Blackburn, of Claiborne, offered the following resolution :

*Resolved*, As the will of this Convention that its first great and paramount duty is to frame a State Constitution to present to the people for their ratification or rejection and that all minor business be dispensed with till this much needed work is accomplished. Laid over under the rules.

Mr. Ingraham, of Caddo, offered the following resolutions:

#### EXEMPTIONS.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of five hundred dollars from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

Sec. 2. Every homestead of eighty acres of land and the dwelling houses thereon, and the appurtenances to be selected by the owner thereof and not included in any town plat, city, or village, or recorded town plat, or such parts of lots as shall equal thereto and the dwelling house thereon and its appurtenances owned and occupied by any resident of the State, not exceeding in value one thousand dollars, shall be exempt from forced sale on execution or any other final process from a court for any debt contracted after the adoption of this Constitution. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Referred to the Committee on the Judiciary.

#### MATRIMONY.

SECTION 1. All persons who were formerly debarred by slavery from legally contracting matrimony in this State, who have lived together as husband and wife for three consecutive years prior to the adoption of this Constitution, shall be deemed, after the adoption of this Constitution, in all courts of justice, as husband and wife, and their offspring as their legal heirs as though said disability had never existed.

Referred to the Committee on the Judiciary.

SECTION 1. The militia shall be composed of all able bodied male citizens (except such as are disfranchised by this Constitution) residents of this State, being eighteen years of age, and under the age of forty years, and shall be enrolled in militia, and perform militia duty in such manner,

not incompatible with the Constitution and laws of the United States, as may be prescribed by the General Assembly of Louisiana. But persons whose religious opinions and conscientious scruples forbid them to bear arms, shall be relieved from doing so on producing to the proper authorities satisfactory proof that they are thus conscientious.

SEC. 2. The General Assembly shall provide, at its first session after the adoption of this Constitution, and from time to time thereafter, as the exigency may require, for organizing, equipping, and disciplining the militia in such a manner, not incompatible with the laws of the United States, as shall be most effective to repel invasion and suppress insurrection, and shall pass such laws as shall promote the formation of volunteer militia associations in the city of New Orleans and in every parish, and to secure them such privileges or assistance as may afford them effectual encouragement.

SEC. 3. There shall be an adjutant general, who shall be appointed by the Governor by and with the advice and consent of the Senate. He shall hold his office at the pleasure of the Governor; shall perform such duties, and shall receive such compensation as may be fixed by law.

Referred to the Committee on the Militia.  
By Mr. Ingraham, of Caddo:

ARTICLE. No property qualification shall be required for any parish, municipal office of honor, trust, or profit within the State.

ARTICLE. All registered voters shall be eligible to serve as jurors, and no law shall be passed by the General Assembly, that shall deprive any voter of the right to serve as a juror.

ARTICLE. No foreign or other State lottery tickets shall be sold in this State. The General Assembly shall, at its first session, after the adoption of this Constitution, pass such laws as shall prevent a violation of this provision.

ARTICLE. The General Assembly shall establish a State lottery on the Havana plan for the support and maintenance of the charitable institutions of the State, provided, that the plan known as the "Policy Plan," shall not be adopted by the General Assembly. Referred to the Committee on General Provisions.

By Mr. Ingraham, of Caddo :

#### ARTICLE.

SECTION 1. The General Assembly shall provide by law at its first session after the adoption of this Constitution, for the establishment of at least one Free Public School in every parish in the State.

SEC. 2. The children of all the residents of the State shall attend school in the same schoolhouses.

SEC. 3. The General Assembly may commit the management of the free public schools, to parishes or incorporated cities; but no power shall be vested or exercised by any parish or incorporated city, inconsistent with any provision of this Constitution.

Referred to Committee on Education.

By Mr. Wilson, of Orleans:

The Legislature shall provide for the organizing, arming and disciplining the militia for the defense of the State, which shall be composed of all loyal able bodied men of every race and color, between the ages of 21 and 45 years, without regard to previous condition.

Referred to Committee on Militia.

Mr. Wickliffe submitted the following ordinance, which was referred to the Committee on Public Education:

ARTICLE 1. The Legislature shall establish free public schools throughout the State, and shall provide for their support by taxation or otherwise. All children of this State between the ages of six and eighteen, shall be admitted to the public schools in common, without distinction of race, color, or previous condition. There shall be no separate schools established for any race.

ART. 2. No municipal corporation shall make any rules or regulations contrary to the spirit and intention of this Constitution.

ART. 3. The Superintendent of Public Education shall have the supervision and general control of all private schools throughout the State.

ART. 4. No person shall establish a private school unless licensed by the State, and all such schools shall be taxed as other professions. The Legislature shall make laws governing this entire subject in accordance with the spirit of the resolution.

ART. 5. The general exercises in the public schools shall be conducted in the English language.

ART. 6. There shall be elected a Superintendent of Public Education, who shall hold his office for four years. His duties shall be prescribed; and his salary shall be \$5000 per year, payable quarterly.

ART. 7. The proceeds of all lands heretofore, and that which may hereafter be granted by the United States to this State for the use or purpose of the public schools of the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be and remain a perpetual fund on which the State shall pay an annual interest of six per

cent, which interest, together with the interest of the trust fund deposited with the State by the United States under the act of Congress approved June 23, 1836, and all the rents of the unsold lands shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 8. All monies accruing from the sales which have been or may be hereafter made of any lands heretofore granted by the United States to this State for the use of a specific seminary of learning, or from any kind of donation or bequest that may hereafter be made for that purpose, shall be and remain a perpetual fund, the interest of which at six per cent. per annum shall be appropriated to the exclusive benefit of the same; and no law shall be made diverting said funds to any other use than to the establishment and benefit of said seminary of learning. The Legislature shall have power to raise funds for the organization and support of said seminary of learning in such manner as it may deem best.

ART. 9. No appropriation shall be made by the Legislature for the support of any private school or institution of learning whatever.

ART. 10. A University shall be established and maintained in the city of New Orleans. It shall be composed of five faculties, to wit: One of law, one of medicine, one of the natural sciences, one of letters, and one of industrial science. The Legislature shall provide by law for its organization and maintenance: *Provided*, That all departments of this Institution of learning shall be open in common to all students capable of matriculating, without distinction of race, color, or previous condition. No rules or regulations shall be made by the trustees, faculties, or other officers of said Institution, nor shall any laws be made by the Legislature violating the letter or spirit of this article, under penalty of the annulling of the charter of said Institution.

ART. 11. All colleges, seminaries, or schools of what nature soever whether literary, legal, medical, military, or theological, industrial, authorized by the Legislature, and under the control of this State, shall be open in common to all classes of students, without distinction of race, color, or previous condition.

Mr. Packard, of Orleans, moved that the Official Printer be instructed to print the several constitutions of those States "known as the free States before the rebellion," and furnish 100 copies of the same for the use of the Convention.

Mr. Barrett, of Union, offered the follow

ing amendment: That the resolution be amended by adding that these publications be bound in law calf.

Mr. Smith, of Orleans, moved to lay the motion and amendment on the table.

Carried.

#### ORDER OF THE DAY.

The following resolution offered by Mr. Reagan, of West Baton Rouge, came up in its order:

WHEREAS, The peculiar and unprecedented nature of the new element which is now merging into legitimate form is destined soon to become the law and law-making power of the State; and

WHEREAS, The dilapidated condition of all the resources of the State by the ravages of war has greatly obstructed many of the avenues of information; and

WHEREAS, It is reasonably apprehended that great efforts will be made to prevent the adoption of the Constitution to be submitted by the Convention to the people, by the combined powers of the Conservative press, by great machinations, and by open violence; and

WHEREAS, It is deemed by this Convention indispensably necessary that all the sources and instrumentalities within the control of this body should be used for the purpose of effecting a thorough dissemination of our proceedings and the result of our deliberations among the people of this State, therefore be it

*Resolved*, That the proprietors of the New Orleans Republican be and they are hereby employed to publish regularly the proceedings of this Convention, for which they shall be paid by the State on a warrant from the Convention, signed by the President and Secretary, a compensation *pro rata* with the established custom of printing.

Mr. Moses, of Orleans, moved to lay the resolution on the table.

Mr. Newsham, of West Feliciana, rose to a point of order, that the mover of the resolution had the right to close the debate and could not be deprived of it by a motion to lay on the table.

Mr. Cooley, of Point Coupee, rose to a point of order, that a motion to lay on the table was not debateable. The ayes and nays were demanded and ordered by the Convention, and the Secretary proceeded to call the roll.

Mr. Belden, of Orleans, Mr. Jones, of Orleans, and Ingraham, of Caddo, by permission of the Convention, explained their

votes. Mr. Ingraham, of Caddo, changed his vote from aye to nay.

The vote upon the motion to table was announced, 42 ayes, 46 nays, as follows :

Yea: Messrs. Antoine, Barrett, Berthonneau, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cuney, D'marest, Depasseau, Deslonde, Douglass, Duparé, Dupart, Duplessis, Esnard, Fuller, Gardiner, Harris, Isabelle, R. H., Martin, Meadows, Morris, Moses, Roberts, Rodriguez, Schawb, Smith, Valfroit, Waller, Wickliffe, Williams, Wilson—42.

Nay: Baker, Belden, Blackburn, Blan din, Cromwell, Dearing, Deslonde J., Do nato, Drinkard, Francois, Ferguson, Gair, Gould, Harper, Hempstead, Ingraham, Thomas Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis J., Lewis R., Lynch, McLellan, McMillen, Murrel, New sham, Oliver, Packard, Pierce, Pinchback, Reagan, Reese, Riard, Snaer, Scott, Snider, Steele, Tinchant, Twitchel, Underwood, Vandergriff, Vidal—46.

And the motion was declared to be lost.

Mr. Belden, of Orleans, moved to refer the whole matter to a special committee of five.

Mr. Wickliffe, of Orleans, moved to lay the motion on the table, and it was withdrawn by the mover.

Mr. Smith, of Orleans, moved to amend by including the German Gazette, of New Orleans.

Mr. Berthonneau, of Orleans, moved to amend by adding the Homer Iliad and the St. Landry Progress.

Mr. Bonsigneur, of Orleans, moved to amend by adding the New Orleans Advo cate.

Mr. Ludeling, of Ouachita, moved to amend by adding the Louisiana Intelligencer, and the paper which Judge Cooley is about to establish.

Mr. Tinchant, of Orleans, moved to postpone indefinitely the whole subject.

Mr. Ludeling, of Ouachita, moved its reference to the proper standing committee to be indicated by the President.

Mr. Tinchant, of Orleans, moved a sus pension of the rules to allow its reference to special committee.

Mr. Jones, of Orleans, moved to refer to Committee on Printing.

Mr. Smith, of Orleans, moved to refer to a special committee of five.

Mr. Belden rose to a point of order, that a motion to refer had a precedence.

Mr. Bonseigneur, of Orleans, moved its reference to Committee on Contingent Expenses.

The President decided the point of order in favor of Mr. Ludeling, of Ouachita, to refer to its appropriate standing committee, which was the Committee on Printing.

The decision of the chair was appealed from, and was sustained.

And the question being put, upon the motion of Mr. Ludeling, of Ouachita, it was adopted.

The following resolution of Mr. Lynch, of Carroll, was offered and read:

WHEREAS, At a recent meeting of the Board of Levee Commissioners of this State it was decided to send a commission consisting of three members of the Board to Washington City for the purpose of presenting to Congress the knowledge of the impoverished condition of our State, and the absolute necessity which exists for asking the indorsement of the general government upon the bonds of the State issued for levee purposes. Therefore be it

*Resolved*, By the people of Louisiana in Convention assembled, that the object of the commission appointed by the State Board of Levee Commissioners is hereby approved and indorsed, and the assistance of the general government urgently implored in aiding us to repair and rebuild our levees.

Laid over under the rules.

Mr. Smith called up his resolution of this morning to appoint three members of the Convention a special committee to consider the condition of the levees, ascertain what has been done by the commissioners as to bonds, etc., and what action by the Convention is expedient, and to report thereon to the Convention on Monday.

Pending which, on motion, the Convention adjourned until Monday next at 11 A. M.

A true copy.

WM. VIGERS, Secretary.

#### SEVENTH DAY.

NEW ORLEANS, Monday, Dec. 2, 1867.  
The Convention met at 11 o'clock, A. M.,  
President Taliaferro in the chair.

The roll was called, and the following named members answered to their names:

Messrs. J. G. Taliaferro, Antoine C. C., Baker L. W., Bernard A., Bertonneau A., Blackburn W. J., Bonseigneur H., Bonnefoi, Burrell Denis, Butler Wm., Cooley, Crane W. R., Crawford T. S., Cromwell R. L., Cuney Samuel E., Deuring, Depasseau, Deslonde P. G., Douglass, Drinkard, Duparte, Dupart, Duplessis, Francois, Furgason, Gair, Gardner, Gould, Guichard, Harper, Harris, Harrison, Hemstead, Hiestand, Ingraham, Isabelle R. H., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis, Ludeling, Lynch, Martin, Meadows, Morris, Moses, Murrell, Mushaway, Myers, Newsham, Oliver, Paickard, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—83 members present.

Opened with prayer by Rev. Fisk.

The minutes of the sixth day were read.

Mr. Wickliffe, of Orleans, called for a correction in the statement that he had appealed from the decision of the chair.

Mr. Ludeling, of Ouachita, asked that his amendment be corrected so as to read "the Louisiana Intelligencer, and the paper which Judge Cooley was about to establish."

Mr. Ragan, of East Baton Rouge, asked that his parish be stated correctly.

And, as amended, the minutes were adopted.

Mr. Crane, of Orleans, offered the following resolution:

*Resolved*. That it be a standing order of the Convention, that the Convention shall every day at 1 o'clock resolve itself into a committee of the whole Convention, to consider therein all reports from standing and special committees, on such propositions as shall be referred to or made from said committees.

Laid over under the rules.

#### UNFINISHED BUSINESS.

By Mr. Smith, of Orleans:

*Resolved*, That a special committee, to be composed of three members, be appointed by the Chairman, to consider and report to this Convention the present condition of the levees in the State, what progress has been made by the existing Board of Levee Commissioners in negotiating the bonds appropriated by the late Legislature for levee purposes, and also what action is expedient for this Convention to adopt in relation

thereto, and to lay before Congress the necessities of national aid in restoring the levees on the Mississippi river.

*Resolved further,* That the said committee be instructed, if practicable, to bring in their report on next Monday.

Mr. Tinchant, of Orleans, moved to amend by inserting Thursday, in place of Monday, and the amendment was accepted by Mr. Smith.

Mr. Wickliffe rose to a point of order to inquire if original resolutions were in order.

Mr. Newsham, of West Feliciana, called the gentleman from Orleans to order, as he had not addressed the chair in the manner prescribed by the rules.

The chair decided that the gentleman was out of order.

The chair decided that Mr. Smith's resolution lies over until 12 o'clock, and that original resolutions were in order.

#### ORIGINAL RESOLUTIONS.

By Mr. Wickliffe, of Orleans:

*Be it ordained by the people of Louisiana in Convention assembled,* That in order to raise sufficient funds to defray the necessary expenses to be incurred in carrying out the will of the Congress of the United States, as expressed in the various reconstruction bills passed by that honorable body for the government of the States lately in rebellion against the Federal Government:

1. A direct tax shall be and is hereby levied of — per cent. on the valuation of all real estate of each individual, succession, company, or corporation in the State, to be fixed by the roll of assessment as made by the State of Louisiana for the year 1867 on the same species of property.

2. A direct tax shall be and is hereby levied of — per cent. on all personal property of each individual, succession, company, or corporation, to be fixed as far as practicable by the aforesaid assessment rolls, and where said rolls are impracticable, to be fixed by the board of collectors of each parish or district as hereinafter provided for: Provided, That the property of no person shall be taxed, whether real or personal, that does not amount in the aggregate to over two hundred dollars.

3. A direct tax shall be and is hereby levied on all professions, callings, or occupations, for the same amount and governed by the same rules as those fixed by the State authorities for the year 1867.

4. A poll tax on each male person over

twenty-one years of age, of one dollar.

5. All taxes hereby imposed shall be payable in greenbacks or United States national currency.

6. A Board of Collectors shall be appointed by the Committee of Contingent Expenses to consist of three members for each country parish, and the same number for each municipal district of the parish of Orleans; one of each board being named as chairman of said committee, whose duty it shall be to collect all taxes herein named and levied, and make their returns to the Committee of Contingent Expenses within thirty days from the date hereinafter specified for commencing their duties as collectors.

7. The said committee shall fix the day on which the collectors of said taxes shall begin, which shall not be longer than thirty days from the passage of this ordinance, and shall cause notice of the same to be published for ten consecutive days prior to the day of commencing the collection in the New Orleans TRIBUNE, the New Orleans Republican, the New Orleans Bee, the New Orleans Crescent, the New Orleans Picayune, and the New Orleans German Gazette.

8. All collectors appointed under this ordinance shall give bond with real estate security to the President of this Convention in the sum of — thousand dollars, and shall receive the same commission for their services as is allowed by the United States authorities for similar services.

9. All collectors found guilty of fraud, perjury, or malfeasance in office, shall be subject to fine and imprisonment at the discretion of this Convention, and their securities held good for all defalcations of their principals.

10. The said collectors are hereby empowered with all necessary authority to collect the taxes as herein provided for, and to enforce their collection by summary process, to seize and sell at public auction all property liable to taxation under this ordinance after giving ten days' notice either in one public newspaper in the parish, or posting the same at the courthouse door.

They shall also have power to call upon the *posse comitatus* to assist in carrying out the provisions of this ordinance, and to imprison any one interfering or attempting to interfere with them in the discharge of their duties.

11. All courts and officers of courts throughout the State are hereby forbidden to interfere with the said Collectors in the discharge of their duties under this ordinance, by any legal process whatever, under penalty of impeachment, and fine or imprisonment.

12. The chairman of the various boards of collectors shall, as fast as possible, turn over all moneys collected by their respective boards to the State Treasurer, and take his receipt therefor, indorsed by the Chairman of the Committee on Contingent Expenses and the President of this Convention.

13. The State Treasurer shall not pay out any of the funds collected by virtue of this ordinance to any person, or for any purpose, except upon the warrant of the Chairman of the Committee on Contingent Expenses, indorsed by the President and Secretary of this Convention, in accordance with such special resolutions as may be passed by this Convention.

14. Persons purchasing real property at the sales of any collectors appointed by virtue of this ordinance, shall be put in full and complete possession of the purchased property and maintained therein for the space of two years from the day of such sale; after which time such property shall revert to the individual, succession, company, or corporation for whose taxes it was sold. Those purchasing personal property shall become entitled in fee simple, and be protected against all claimants.

15. The collectors shall never seize real property except no personal property can be found, and except the personal property is insufficient to secure the tax hereby assessed.

16. No privileges, exemptions, or prescriptive rights as heretofore established by law shall have any force against the provisions of this ordinance. All rights, credits, and titles shall be liable to seizure for the collection of the taxes herein levied, all laws heretofore and now in force to the contrary notwithstanding.

17. There shall be a special committee appointed by the President of this Convention, to be styled "the Tax Judicial Committee," whose duty it shall be to decide all points of law and equity arising under this ordinance, and to whom all cases of difficulty arising out of the provisions and enforcement of this ordinance shall be referred for final settlement.

Mr. Wickliffe, of Orleans, moved that the ordinance on taxation, introduced by him, be referred to the Committee on Contingent Expenses, with instructions to secure such statistics as may be necessary to enable this Convention to fix the per cent. to be levied as a tax on the personal and real property referred to in that ordinance, and that they be instructed to report to this Convention as early as possible.

Adopted on a division by a vote of 61 ayes and 25 nays.

Mr. Ingraham, of Caddo, moved to reconsider and to refer the resolution to the Committee on Finance.

Mr. Smith, of Orleans, moved to lay the motion to reconsider on the table. Carried.

By Mr. Lynch, of Carroll:

*Resolved*, That the delegates to this Convention be, and they are hereby, allowed eight dollars per day for thirty days, and the same mileage be allowed to the members of the last Legislature of this State; but no pay shall be allowed to delegates for the time which this Convention may remain in session after the expiration of thirty days.

Lies over.

By Mr. Cromwell, of Orleans:

1. *Resolved*, That we the representatives of the loyal people of the State of Louisiana in Convention assembled, are thankful to Almighty God for the success of the Radical Republican party in this State. We hold these truths to be self-evident that all men are created equal, endowed with certain inalienable rights, and therefore the law should afford equal protection to all in the exercise of their civil, public, political and religious rights, and insure perfect equality under the law.

2. That this State shall be governed and controled and directed by those who have served it in times of its peril, and who seek to preserve it with friendly hands from its foes.

3. That rebellion is disfranchisement, and armed attempts to overthrow our Government to secure negro slavery is treasonable expatriation, and we do indorse the acts of the Thirty-ninth and Fortieth Congresses, and will reconstruct Louisiana upon the basis of the Military Reconstruction Bill.

4. That we are friendly to universal liberty, but no universal amnesty, but the continuance of disfranchisement of all Congress has, and all others we may think necessary, for the safety of our common country, and the freedom of the negro race.

Which on motion of Mr. Ludeling, of Ouachita, was referred to the Committees on Bill of Rights and on General Provisions.

By Mr. Ingraham, of Caddo:

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, twenty-one years of age or

upwards, who shall have resided in this State one year next preceding an election and the last sixty days thereof in the parish in which he offers to vote, except as hereafter provided, shall be deemed an elector:

*Provided*, That no soldier, or sailor, or marine in the military or naval service of the United States shall hereafter acquire a residence by reason of being stationed on duty in this State.

SEC. 2. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors; but the following classes of persons shall not be permitted to register, vote, or hold office:

1. Those who, during the late rebellion, inflicted, or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee, or citizen of the United States, or who in any other way violated the rules of civilized warfare.

2. All members of the so-called "Secession Convention" of 1861 who voted for the secession of this State from the Union.

3. Those who are or may be disfranchised by the proposed Constitutional Amendment known as the 14th article and the act of Congress passed March 2d, 1867, and all supplementary acts hereto, except such as have aided the plan of reconstruction proposed by Congress and accepted the political equality of all men before the law: *Provided*, That the General Assembly shall have power by a two thirds vote to remove the disability incurred under this last clause.

4. Those who shall have been convicted of treason, embezzlement of public funds malfeasance in office, crime punishable by law with imprisonment in the penitentiary or bribery.

5. No idiot or insane person shall be permitted to register or vote in this State.

SEC. 3. I \_\_\_\_\_, do solemnly swear (or affirm), that I will support and maintain the Constitution and laws of the United States and of the State of Louisiana. That I am not disfranchised or excluded from registering by any of the clauses in section two of this article, and that I will never countenance or aid in the secession of this State from the United States; that I accept the civil and political equality of all men and agree not to attempt to deprive any person or persons on account of race, color or previous condition of any political or civil right, privilege or immunity enjoyed by any other class of men, and furthermore that I will not in any way injure or countenance in others any attempt to injure any person or persons on account of past or present support of the Government of the United States or the principle of the political and civil equality of all men or affilia-

tion with any political party. So help me God.

Referred to Committee on General Provisions.

By Mr. Newsham, of West Feliciana:

WHEREAS, By supplementary acts of Congress, passed March, 1867, it is declared that no loyal State Government exists in Louisiana; and by an act passed supplementary thereto, on the 23d day of March, 1867, it is enacted that if said governments were continued they were to continue, subject in all respects, to the paramount authority of Congress; and

WHEREAS, It is made the duty of the district commanders to remove from office all persons in office disloyal to the United States, and not citizens thereof; and,

WHEREAS, Boards of Registration were created by said acts of Congress for the purpose of registering citizens loyal to the Union; and

WHEREAS, The right to remove from office is vested within the Military Commander of the District; and

WHEREAS, Many, if not a majority, of the parish, and judicial, and municipal offices of the State are now held by persons disfranchised and not citizens by the provisions of said paramount law or laws of Congress; and

WHEREAS, This Convention is the legal creation of the said acts of Congress, convened for the purpose of making a Constitution and civil government for the State of Louisiana; and

WHEREAS, It is a well established principle of law, that no person not a citizen, can legally hold an office, and it being impossible to organize with the present disloyal element of the State in office, all or many of whom are disfranchised by said acts of Congress; therefore

*Be it resolved by the people of Louisiana in Convention assembled*, Do respectfully recommend to W. S. Hancock, Major General, commanding the Fifth Military District, the removal from office of all persons in the State of Louisiana disfranchised by said acts of Congress, and the appointment of loyal men, citizens, in their place.

Lies over under the rules.

Mr. Tinchant, of Orleans, read the following:

*Resolved*, That the Governor shall be empowered to organize immediately a constabulary force, to be composed of one thousand men of undoubted loyalty. Said force shall be proportionally apportioned among the several parishes. Its duties shall be to protect, to the best of its ability,

the liberty, life, property, and interests of all citizens.

*Resolved*, That this resolution be referred to a special committee of five, to be appointed by the chair.

Pending the reading of which the President announced that the hour had arrived to take up the order of the day.

#### ORDER OF THE DAY.

The following resolutions of Mr. Smith, of Orleans, were read :

*Resolved*, That a special committee, to be composed of three members, be appointed by the chairman, to consider and report to this Convention the present condition of the levees in the State, what progress has been made by the existing Board of Levee Commissioners in negotiating the bonds appropriated by the late Legislature for levee purposes, and also what action is expedient for this Convention to adopt in relation thereto, and to lay before Congress the necessities of national aid in restoring the levees on the Mississippi river.

*Resolved further*, That the said committee be instructed, if practicable, to bring in their report on next Thursday.

Mr. Smith moved to adopt. Carried.

The following resolution of Mr. Reagan, of East Baton Rouge, was read :

*Resolved*, That rule forty-seven of this Convention be and is hereby so amended as to read after the words "Minute Clerk," "Warrant Clerk," and after the words "Official Printer" a "Postmaster," and a "Chief Enrolling Clerk."

Mr. Reagan moved to adopt.

Mr. Cooley, of Point Coupee, moved to lay on the table, but withdrew his motion at the request of M. Crane, of Orleans.

Mr. Crawford, of Caldwell, moved that the resolution be divided, and the question be taken separately upon the different officers proposed to be elected.

Mr. Cooley, of Point Coupee, renewed his motion to lay on the table.

Which was adopted. Yeas, 50; nays, 22.

The following resolution by Mr. Wickliffe, of Orleans, was read :

*Resolved*, That nothing whatever shall be purchased by the Sergeant-at-Arms, or any one else for the use of this Convention, nor shall any appropriations be allowed for any actual or contingent expenses unless duly authorized by a regular vote of this Convention.

Mr. Wickliffe, of Orleans, moved to adopt.

Mr. Newsham, of West Feliciana, moved to lay on the table, which was carried.

The following resolution by Mr. R. H. Isabelle, of Orleans, came up in its order.

Amendment to be added to rule 53, of the rules and regulations :

*Resolved*, That a standing committee of thirteen be appointed by the chair to be known as the Committee on Mode of Revising the State Constitution.

Mr. R. H. Isabelle, of Orleans, moved to adopt. Carried.

The following resolution by Mr. Wickliffe, of Orleans, came up in its order, and was read :

*Resolved*, That a committee of seven be appointed by the President of this Convention, to whom shall be referred the subjects of a preamble for the Constitution, emancipation, the distribution of powers and Federal relations, with instructions to report as early as possible such articles as may be deemed proper to incorporate in the Constitution on those subjects also.

Mr. Wickliffe moved to adopt.

Mr. Cooley, of Point Coupee, moved to lay on the table. Carried.

The following, by Mr. Blackburn, of Claiborne, came up in its order, and was read :

*Resolved*, As the will of this Convention, that its first, great, and paramount duty is to frame a State Constitution to be presented to the people for their ratification or rejection ; and that all minor business be dispensed with till this much needed work is disposed of.

Laid on the table on motion of Mr. Smith, of Orleans.

The following resolution by Mr. Lynch, of Carroll, came up :

WHEREAS, At a recent meeting of the Board of Levee Commissioners of this State it was decided to send a Commission consisting of three members of the Board to Washington city for the purpose of presenting to Congress the knowledge of the impoverished condition of our State, and the absolute necessity which exists for asking the indorsement of the General Government upon the bonds of the State issued for levee purposes ; therefore, be it

*Resolved*, By the people of Louisiana in Convention assembled, that the object of the Commission appointed by the State Board of Levee Commissioners is hereby approved and indorsed, and the assistance of the General Government urgently im-

plored in aiding us to repair and rebuild our levees.

Upon the request of its mover it was postponed till Thursday.

Mr. Brown, of Iberville, moved that any member of the Convention who presents a motion or resolution shall have a right to explain his reasons therefor before a motion to lay on the table shall be entertained. Laid on the table.

#### ORIGINAL RESOLUTIONS.

By Mr. Schwab, of Jefferson:

WHEREAS, All sources and instrumentalities within the control of this body, should be used for the purpose of enlightening the great masses of the people in this State to show the world at large that we are well aware that our enemies are not asleep, which is shown by the effort of the Conservative party, their combined press having nothing untried in injuring and insulting the Republican party, and, as their machinations will never cease, and they will not even shrink from using violence to prevent the adoption of the Constitution to be submitted by this Convention to the people of the State of Louisiana; and

WHEREAS, The German Gazette, the only paper to represent so large a population, not only in the State of Louisiana, but in all adjoining States, and a people always loyal to the United States, good and true citizens, therefore

*Be it resolved,*, That the resolution of the undersigned be unanimously granted, Motion to have the proceedings of this Convention also printed in the German Gazette, and the proprietors thereof be and they are hereby employed to publish regularly the proceeding of this body, now assembled in a Convention to form a Constitution, loyal to the Government of the United States, for which they shall be compensated by the State likewise, as general other printers are paid as *pro rata* customary printing.

Lies over under the rules.

By Mr. Meadows, of Claiborne:

*Resolved*, That all children now bound out in the State of Louisiana against the will of their parents, be, and hereby are, released, if said parents do so desire.

Lies over.

The President announced the appointment of the committee to wait upon Gen. W. S. Hancock, in pursuance of a resolution of the Convention, as follows :

W. L. McMillan, Chas. Leroy, W. H.

Cooley, Aug. Donato, Jas. Mushaway, Thos. Isabelle, John B. Vandegriff.

By Mr. P. G. Deslonde, of Iberville:

*Resolved*, That it is the sense of this Convention that all male citizens over twenty-one years of age, who shall not be disfranchised for participation in the rebellion, shall have the right to vote and be eligible to hold any office under the government of the State.

*Resolved*, That it is not the desire of the loyal people of the State to oppress any citizen, and that we will disfranchise those whose connection with the rebellion and subsequent contumacy cause us to believe that the power of the State cannot be safely intrusted in their hands.

*Resolved*, That all men are created equal, and that we desire all men to have and enjoy equal rights and privileges before the law.

Which was referred to Committee on Bill of Rights.

By Mr. Packard, of Orleans, right bank:

WHEREAS, The framing and adopting of the organic law of the State is the important business for which the Convention was convened; therefore be it

*Resolved*, That the Committee on Draft of the Constitution be instructed to prepare and submit to this Convention a "draft of Constitution," and in order that the said committee be enabled to submit their report at the earliest possible time, the committee are granted permission to sit during the sessions of this Convention while preparing their report.

Lies over.

By Mr. Packard, of Orleans, right bank:

WHEREAS, Many radical changes in the civil and criminal law of the State of Louisiana are demanded by the advancing spirit of the age, and by reason of the changed condition of persons and property since the enactment of the same; and

WHEREAS, Especially the law regarding real property is found to have long fettered and retarded material progress and prosperity of the State; therefore, be it

*Resolved*, That the Committee on Judiciary be instructed to inquire into and report such changes in the civil and criminal law of the State as may be deemed necessary, and said Committee have leave to report by ordinance or otherwise.

Lies over.

By Mr. Packard, of Orleans, right bank:

WHEREAS, By section eight of the act of Congress known as the "Supplementary Reconstruction Act," authority is vested in this Constitutional Convention to levy and

collect such taxes upon the property of the State as may be required to pay the expenses of the same; and, therefore, be it

*Resolved*, That the Committee on Finance be instructed to inquire into and devise the best means for supplying the treasury of the State with funds sufficient to defray the necessary expenses of this Convention, by taxation or otherwise, and said committee have leave to report by ordinance or otherwise.

On motion of Mr. Cooley, referred to Committee on Finance.

By Mr. Wilson, of Orleans:

The Legislature shall provide by law for the licensing of lotteries, which shall be drawn on the Havana plan; and the buying or selling of lottery tickets drawn on any other plan within the State shall be prohibited. All policy plans are strictly prohibited.

Referred to Committee on General Provisions.

By Thos. Isabelle, of Orleans.

Mr. Thomas Isabelle submitted the following, which was referred to the Committee on Bill of Rights:

#### PREAMBLE.

We, the people of Louisiana, do ordain and establish the Constitution:

ARTICLE 1. That slavery and involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted are hereby forever abolished and prohibited throughout the State.

Referred to Committee on Bill of Rights.

By Mr. Tinchant, of Orleans:

*Resolved*. That the Governor shall be empowered to organize immediately a constabulary force, to be composed of one thousand men of undoubted loyalty. Said force shall be proportionally apportioned among the several parishes. Its duties shall be to protect, to the best of its ability, the liberty, life, property and interests of all citizens.

*Resolved*, That this resolution be referred to a special committee of five, to be appointed by the chair. Referred to the Committee on Executive.

By Mr. Wilson, of Orleans:

The Legislature shall enact no law requiring qualified suffrage.

Referred to the Committee on Bill of Rights.

By Mr. Hiestand, of Natchitoches:

WHEREAS, It is necessary for the best interests of the State that a correct account

should be kept of all expenses incurred in printing the proceedings of this Convention, be it

*Resolved*, That the Committee on Printing be authorized to employ a clerk for that purpose, and for all other services that he may be required to perform by said committee.

Laid over under the rules.

Mr. Wickliffe, of Orleans, moved that the Printer be required to furnish in pamphlet form two hundred copies of the following Constitutions and ordinances of Missouri, 1865, Nebraska, 1867, Minnesota, 1857, and 1858. Tennessee, 1839 and 1866, for the use of the Convention.

Which was laid on the table.

Mr. Belden, of Orleans, moved that H. Peralta, Esq., Auditor of Public Accounts of the State of Louisiana, be requested to furnish to this Convention an abstract of the "State taxes" now due and unpaid, for the years 1861, 1862, 1863, 1864, 1865.

Mr. Waples moved to amend, by including the year 1860, which was accepted, and pending its consideration, it being the hour of 1 o'clock, the special order of the day was announced.

The following ordinance, offered by Mr. McMillen, of Carroll, was read:

*Be it ordained by the People of the State of Louisiana in Convention Assembled*. That the act of the Legislature of this State, approved the 26th of March, 1867, entitled "An act to provide means for the construction of levees by the issue of bonds of the State for four millions of dollars, and to provide for the redemption of said bonds," is hereby ratified and confirmed, and the said bonds, when issued, whether signed by the persons then acting as Governor and Secretary of State of this State, or by the persons now acting and discharging the duties of Governor and Secretary of State, shall have full force and effect, and the faith of the State for their redemption, as pledged and provided in said act, shall forever be held valid and of full effect.

Mr. Belden, of Orleans, moved to postpone till Friday next, which, after some discussion, was adopted.

The President announced the committee provided by the resolution of Mr. Smith of Orleans, as follows:

Chas. Smith, chairman; S. Belden, R. I. Cromwell.

On motion of Mr. Crawford, of Caldwell, the Convention adjourned till to-morrow at 11 o'clock A. M.

A true copy.

WM. VIGERS, Secretary.

### EIGHTH DAY.

NEW ORLEANS, Tuesday, Dec. 3, 1867.

The Convention met pursuant to adjournment at 11 o'clock A. M. President Taliaferro in the chair.

Roll called by the Secretary and the following delegates answered to their names:

Messrs. Antoine C. C., Baker, Barrett, Belden, Blackburn, Blandin, Bonseigneur, Brown, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde Douglass, Drinkard, Dupart, Dupart, Esnard, Francois, Fuller, Ferguson, Gair, Gardner, Gould, Guichard, Harris, Harrison, Hempstead, Ingraham, Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis, Ludeking, Lynch, Martin, Meadows, McLeran, Moses, Murrell, Myers Newsham, Oliver, Pierce, Pinchback, Poinexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Twitchell Underwood, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—74 members present.

The minutes of the seventh days' proceedings were read and approved.

### ORIGINAL RESOLUTIONS.

By Mr. Reagan, of East Baton Rouge:

The seat of government shall be established at the city of Baton Rouge, and shall not be removed without the consent of two-thirds of both Houses of the General Assembly, and the Legislature at its first session is hereby empowered to levy a tax of \_\_\_\_\_ per cent. upon all taxable property within the State, necessary and adequate to erect a building adapted to the provisions herein designated, and shall, as soon as practicable, devise ways and means for carrying into effect the provisions of this article.

*Provided*, That until the provisions of this article shall have been accomplished, the seat of government shall remain at the city of New Orleans.

Referred to the Committee on General Provisions.

By Mr. R. H. Isabelle, of Orleans:

ARTICLE 1. The Legislature may establish the price and pay of foremen, mechanics, laborers and others employed on the public works of the State, parochial, city, or town governments. *Provided*, That the

compensation to be paid all foremen, mechanics, cartmen and laborers employed on the public works under the government of the State of Louisiana, city of New Orleans, and the police juries of the various parishes of the State shall not be less than the following rates, viz:

Foremen, per day.....	\$3 50
Cartmen, furnishing their teams.....	4 00
Cartmen, not furnishing their teams....	2 50
Laborers.....	2 50

ART. 2. Eight hours shall constitute a legal day's labor for all mechanics, artisans and laborers employed on public works.

Mr. Cooley, of Point Coupee, offered the following amendment:

*Amended*—The Legislature shall also provide by legislation to insure lawyers ten per cent. on all claims put in their hands for collection, and to all doctors three dollars per visit.

Resolution and amendment referred to Committee on General Provisions.

Mr. Cromwell, of Orleans, presented the following:

ART. 4. The Legislature shall make no law, ordinance, statute, regulation or code recognizing the right of property in man or exclusive public privileges to any.

ART. 5. Any person who, under color of any custom, regulation, rule, statute, ordinance or law shall subject or cause to be subjected any inhabitants of this State to the deprivation of any public right, privilege or immunity secured or protected by this article or constitution, or to pains, punishment and penalties on account of such persons having at any time been held in a condition of involuntary servitude, except as a punishment for crime, or by reason of their color or race, than is prescribed for the pleasure or punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or both.

ART. 6. It shall be lawful and the duty of the Governor of the State or such persons as he may empower for that purpose to employ the militia and volunteer forces of the State as shall be necessary to prevent the violation and enforce the due execution of these articles.

WHEREAS, We, the negroes, and persons of negro descent, inhabitants of Louisiana, citizens of the United States, and loyal to the Government, are proscribed and ostracised when entering into public places, or upon common carriers licensed and protected by the Constitution and laws of the State, and

WHEREAS, We shall not attempt or countenance any attempt to remedy the evil and bad spirit shown us by the whites otherwise than in a peaceable and legal way, and have our constitution so framed and fined that these several articles be inserted in the Constitution of this State, mely:

ARTICLE 1. Slavery forever prohibited within this State.

ART. 2. All persons born in the United States, and not subject to any foreign power or any tribal authority, excluding Indians, are declared to be citizens of this State and the United States.

ART. 3. There shall be no discrimination in the public, political, civil, or religious rights or immunities among the citizens of this State on account of race or color previous condition of involuntary servitude, except as a punishment for crime hereof the party shall have been duly convicted.

Mr. Cromwell moved that it be made the special order for Thursday at 12 o'clock, and 1000 copies printed.

Mr. Cooley, of Point Coupee, rose to a point of order, that the resolution should be referred in the regular manner.

Mr. Cromwell, of Orleans, moved its reference to Committee on General Provisions, and that it be made the order of the day for Thursday.

The chair decided the point of order as to so much of the motion as referred to the disposition of the resolution, that it should be referred in its usual course.

Mr. Newsham, of West Feliciana, moved to amend that part of the motion as to printing, by inserting 200 copies, instead of 1000 copies.

Mr. Cooley, of Point Coupee, rose to a point of order that at this stage of the proceedings a motion to print was unnecessary and out of order.

Mr. Ferguson, of Jackson, moved to lay his motion to print and the amendment on the table.

The motion to table, on a division, was lost—ayes 39, nays 148.

The chair stated the question to be upon Mr. Newsham's amendment to print 200 copies.

Mr. Cooley, of Point Coupee, called for the ayes and nays.

point of order that one-fifth of the Convention had not demanded the ayes and nays.

The chair put the demand for the ayes and nays to the Convention, and they were ordered.

The Secretary proceeded to call the roll, and the amendment of Mr. Newsham was lost—ayes 40, nays 49.

Yea: Messrs. Antoine, Belden Berthonneau, Bousigneur, Burrel, Cromwell, Demarest, P. G. Deslonde, Douglass, Dupart, Duplessis, Esnard, Francois, Gair, Gardner, Guichard, Hempstead, Hiestand, Jackson, Jones, Lange, Leroy, Richard Lewis, Marie, Massicot, Morris, Moses, Newsham, Oliver, Pierce, Poindexter, Reagan, Riard, Roberts, Snaer, Thibaut, Tinchant, Underwood, Valfroit—40.

Nay: Messrs. Baker, Barrett, Blackburn, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Cuney, Dearing, Jr., Depasseau, Dupart, Ferguson, Gould, Harper, Harris, Harrison, Ingraham, R. H. Isabelle, Thomas Isabelle, Kelce, Landers, Lewis, Ludeling, Lynch, Martin, Meadows, McLellan, McMillen, Murrel, Mushaway, Myers, Pinchback, Pollard, Reese, Riggs, Rodriguez, Scott, Snider, Steele, Twitchell, Vanderzif, Vidal, Waples, Wickliffe, Williams, Wilson—49.

Mr. Pinchback, of Orleans, moved to suspend the rules to read the following memorial. Carried.

And the following memorial was read :

This memorial of the delegates now assembled in Convention in and for the State of Louisiana show unto your honorable bodies that,

WHEREAS, The present acts of Congress for the reconstruction of the rebel States require that a majority of the registered voters in each of said States should be cast to secure the adoption or rejection of their respective Constitutions; and

WHEREAS, The more usual and simple manner of determining the question of the adoption or rejection of State constitutions is by submitting them to the popular vote, leaving the settlement pro or con to the majority of those voting and not to the majority of the voters registered; and

WHEREAS, It is the declared and well-known wish and purpose of the opponents of reconstruction and of those unfriendly to the Government to defeat said Constitution, and inasmuch as said provision to said acts gives them an easy and decided advantage over those in favor of the adoption of said Constitution and greatly increases the embarrassment of the friends of the

government, and endangers the ratification of said constitutions.

Wherefore your petitioners pray that Congress so alter and amend the present laws as to require only a majority of the registered voters voting on the question to determine for or against the adoption of the said constitutions.

*Resolved*, That the President of this Convention forward immediately copies of this memorial to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, with the request that the same be laid before their respective bodies.

Mr. Pinchback, of Orleans, moved to suspend the rules to pass the resolution to its second reading.

The rules were suspended and the resolution, upon its second reading, was adopted.

The order of the day was announced.

By Mr. Crane, of Orleans :

*Resolved*, That it be a standing order of the Convention that the Convention shall every day at — o'clock resolve itself into a committee of the whole Convention, to consider therein all reports from standing and special committees, on such propositions as shall be referred to or made from said committees.

Mr. Crane moved to fill the blank by inserting one o'clock. Adopted.

Mr. Crane, of Orleans, moved to adopt. Carried.

By Mr. Newsham, of West Feliciana :

WHEREAS, By supplementary acts of Congress, passed March 2, 1867, it is declared that no legal State Government exists in Louisiana. And by an act passed supplementary thereto on the 23d day of March, 1867, it is enacted that if said governments were continued they were to continue *subject in all respects to the paramount authority of Congress*; and

WHEREAS, It is made the duty of the district commanders to remove from office all persons in office disloyal to the United States and not citizens thereof; and

WHEREAS, Boards of registration were created by said acts of Congress for the purpose of registering citizens loyal to the Union; and

WHEREAS, The right to remove from office is vested in the Military Commander of the District; and

WHEREAS, Many, if not a majority of the parish, and judicial and municipal officers of the State are now held by persons disfranchised, and not citizens by the provisions of said paramount law or laws of Congress; and

WHEREAS, This Convention is the legal creation of the said acts of Congress, convened for the purpose of making a Constitution and civil government for the State of Louisiana; and

WHEREAS, It is a well established principle of law, that no person not a citizen can legally hold an office, and it being impossible to organize with the present disloyal element of the State in office, all or many of whom are disfranchised by said act of Congress; therefore, be it

*Resolved*, That the loyal people of Louisiana, in Convention assembled, do respectfully recommend to W. S. Hancock, Major General Commanding the Fifth Military District, the removal from office of all persons in the State of Louisiana, disfranchised by said act of Congress, and the appointment of loyal men, citizens, in their place.

Mr. McMillen, of Carroll, moved its reference to a Committee of the Whole,

Which, after some discussion, was adopted.

By Mr. Lynch, of Carroll:

*Resolved*, That the delegates to this Convention be and they are hereby allowed eight dollars per day for thirty days, and the same mileage allowed to the members of the last Legislature of this State; but no pay shall be allowed to delegates for the time which this Convention may remain in session after the expiration of thirty days.

Which on motion was laid on the table.

Mr. McMillen, of Carroll, moved to reconsider the vote on tabling.

Mr. Pinchback, of Orleans, moved to lay the motion to reconsider on the table. Carried.

By Mr. Packard, of Orleans, right bank

WHEREAS, The framing and adopting of the organic law of the State is the important business for which the Convention was convened; therefore, be it

*Resolved*, That the Committee on Draft of the Constitution be instructed to prepare and submit to this Convention a "draft of Constitution," and in order that the said committee be enabled to submit their report at the earliest possible time, the committee are granted permission to sit during the session of this Convention while preparing their report.

Mr. Bertonneau, of Orleans, moved to lay on the table, but withdrew his motion on account of the absence of the mover of the resolution.

Mr. Pinchback, of Orleans, moved to lay on the table subject to call. Carried.

Mr. Hiestand, of Natchitoches, offered the following:

WHEREAS, It is necessary for the best interests of the State that a correct account should be kept of all expenses incurred in printing the proceedings of this Convention; be it,

*Resolved*, That the Committee on Printing be authorized to employ a clerk for that purpose, and for all other services that he may be required to perform by said committee.

Mr. Newsham, of West Feliciana, moved its reference to a committee of the whole, but withdrew his motion temporarily.

Mr. Hiestand, of Natchitoches, moved to adopt.

Mr. Tinchant, of Orleans, moved to amend by making the appointment subject to confirmation of the Convention.

Mr. Cooley, of Point Coupee, moved to amend by providing a clerk to be allowed to every other standing committee.

On motion the resolution and amendments were laid on the table.

Mr. Meadows, of Claiborne, offered the following:

*Resolved*, That all children now bound out in the State of Louisiana against the will of their parents be and hereby are released, if said parents do so desire.

Referred to Committee on Bill of Rights.

By Mr. Schwab, of Jefferson :

WHEREAS, All sources and instrumentalities within the control of this body should be used for the purpose of enlightening the great masses of the people in this State, and to show the world at large that we are well aware that our enemies are not asleep, which is shown by the effort of the Conservative party, their combined press, leaving nothing untried in injuring, insulting and belittling the Republican party; and as their machinations will never cease, and they will not even shrink from using violence to prevent the adoption of the Constitution to be submitted by this Convention to the people of the State of Louisiana; and

WHEREAS, The German Gazette, the only paper to represent so largely a population, not only in the State of Louisiana, but in all adjoining States, and are a people always loyal to the United States, good and true citizens; therefore, be it

*Resolved*, That the resolution of the undersigned be unanimously granted to have the proceedings of this Convention also printed in the German Gazette, and that

the proprietors thereof be and they are hereby employed to publish regularly the proceedings of this body, now assembled in a Convention, to form a constitution loyal to the Government of the United States, for which they shall be recompensed by the State likewise as general other printers are paid, a *pro rata* customary to the rules of printing.

Referred to Committee on Printing.

#### REPORTS OF STANDING COMMITTEES.

Committee on Legislation—No report.

Committee on the Judiciary—No report.

Committee on the Executive—No report.

Committee on General Provisions—No report.

Committee on Ordinance and Schedule—Reported progress.

Committee on Printing—No report.

Committee on Finance—Reported no funds.

Committee on Militia—Reported progress.

Committee on Internal Improvement—No report.

Committee on Bill of Rights—Reported progress.

Committee on Draft of the Constitution—Reported no action of the Committee as yet called for.

Committee on Enrollment reported as follows:

To the President and Members of the Convention :

The “Committee on Enrollment” beg leave to report that they held their first meeting on Saturday evening, at which meeting all the members of the committee being present, they elected a Chief Enrolling Clerk, and two Assistant Enrolling Clerks.

Mr. H. Berthelot elected Chief Enrolling Clerk, and Messrs. A. Snaer and Walker Belden, Assistant Enrolling Clerks.

The committee respectfully request that the above election be approved.

JOHN B. VANDERGRIFF,  
Chairman Committee on Enrollment.

Laid over under the rules.

Committee on Contingent Expenses reported as follows :

To the President and members of the Committee :

The Committee on Contingent Expenses, beg leave to report that they have met and organized and deeming it essentially necessary to have a clerk to this Committee, have elected Mr. E. Longpre, Jr., as clerk thereto.

Respectfully submitted,

HY. BONSEIGNEUR,  
Chairman of the Committee on Contingent Expenses. December 3d, 1867.

Lies over under the rules.

By Mr. Wickliffe, of Orleans:

WHEREAS, It is the earnest desire of the people of Louisiana, now in Convention assembled, to reconstruct this State in perfect accord with the will of the Congress of the United States as expressed in the reconstruction laws passed by that august body for the government of the States lately in rebellion; and

WHEREAS, It is utterly impossible to carry out the will of Congress as therein expressed for the reconstruction of this State, unless the State, municipal, parish, and judicial offices throughout the State are filled by men of undoubted loyalty to the General Government, prior to the attempt to submit the Constitution to the people for ratification, or to take any other steps toward the reconstruction of this State; and

WHEREAS, The power of this Convention of the people of Louisiana to accomplish this essential prerequisite to a reconstruction, viz: the removal of all disloyal men now in office throughout the State, and the installing in their places men of known and tried loyalty—is not as clearly defined by the said reconstruction acts as is desirable; therefore,

*Resolved*, That this Convention, elected by the loyal people of Louisiana in obedience to the laws of Congress, and representing directly and legally the feelings, sentiments, wishes, and purposes of the loyal people of Louisiana, both white and colored, do hereby earnestly petition Congress, at the earliest possible moment to pass an enabling act giving power to this Convention, as the representatives of the loyal people of Louisiana, to remove from office all men throughout the State who now are, or may be in any State, municipal, parish, or judicial office, and who now are or may be impediments to the reconstruction of Louisiana in accordance with the reconstruction laws of Congress, and fill those offices with men of undoubted loyalty and sympathy with the expressed will of Congress, and require the commanding general of the Fifth Military District to render all desired and necessary aid in order to carry out the will of Congress in reconstructing this State: *Provided*, That all appointments thus made shall be temporary, and the incumbents thus appointed shall hold their offices until their successors are duly elected under the Constitution to be submitted by this Convention.

*Resolved*, That copies of these resolutions be forwarded by the President of this Convention to the honorable Speaker of the House of Representatives at Washington, and the honorable President of the United States Senate, requesting them to lay the

same before the respective bodies of which they preside, and to urge immediate action thereon.

Lies over under the rules.

By Mr. Blackburn, of Claiborne:

AN ORDINANCE to provide means to def<sup>t</sup> the expenses of the Constitutional Convention of the State of Louisiana, by t issue of bonds of the State for five hundred thousand dollars, bearing interest eight per cent. per annum, and to provi for the redemption of said bonds:

SECTION 1. We, the people of the State Louisiana, in Convention assembled, in accordance with the act of the Congress of t United States of America, passed March t 23d, 1857, do declare and ordain, and it hereby declared and ordained, that t President of the Convention be and he hereby authorized and directed to iss bonds of this State to be signed by him a countersigned by the chairman of the Co mmittee on Contingent Expenses, and to sealed with the seal of the State, to t amount of five hundred thousand dolla payable in two years from date of iss with interest at the rate of eight per ce per annum, to be paid with the principal the maturity of said bonds; and for t payment of these bonds and interest t faith of the State of Louisiana to be and hereby unconditionally pledged to t holders thereof.

SEC. 2. *Be it further declared and ordain* That for the payment of said bonds a interest, the sum of two hundred a seventy thousand dollars shall be annua set apart as a special fund by the Sta Treasurer, from the first monies received the State Treasury, beginning with fi day of January, Anno Domini, eighte hundred and sixty-eight, and continu until the final extinction by payment said bonds and interest.

SEC. 3. *Be it further declared and ordain* That in order to provide for the extictio of said bonds and interest, the Auditor the State is hereby directed to determin what rate of additional taxation on t total assessed value of all the taxable mable and immovable property of the Sta is necessary for the payment of said bor and interest; and when ascertained, it sh be his duty, and he is hereby directed notify the Sheriffs and Tax Collectors the State, the rate of the additional tax tion ascertained, and which additional t is hereby fixed and declared lawful; a shall be levied upon all taxable, movable a immovable property of the State, that m have been assessed; and it shall be the dt of the Sheriffs and Tax Collectors, and w are hereby directed to collect said tax, a

the collection of the same shall be enforced as the law provides or may hereafter provide for the collection of taxes.

*SEC. 4. Be it further declared and ordained,* That said bonds shall be for one thousand dollars each in amount, with interest of eight per cent. per annum; they shall be receivable any date after issue, with interest calculated and allowed up to date of receipt, by the Sheriffs, Tax Collectors and State Treasurer for all State taxes or other public dues, as well as for the sale of public lands.

*SEC. 5. Be it further declared and ordained,* That the sum of six thousand dollars be and the same is hereby appropriated from the proceeds of the sale of said bonds, to pay the expenses of lithographing and printing said bonds.

*SEC. 6. Be it further declared and ordained,* That the chairman of the Committee on Contingent Expenses be authorized and he is hereby empowered to appoint a person, who shall have said bonds lithographed and printed, and negotiate the same on terms the most favorable to be obtained.

*SEC. 7. Be it further declared and ordained,* That the proceeds of the sale of said bonds shall be deposited in the State treasury, and so much as may be required to defray the expenses of this Convention shall be warranted upon the President of this Convention and countersigned by the chairman of the Committee of Contingent Expenses, and the State treasury shall pay the same; and the balance of the money not used shall be by the State Treasurer placed to the credit of the general fund and reserved until the meeting of the General Assembly elected under the provisions of the Constitution of this Convention, to be used as they may direct.

Mr. Blackburn asked its reference to Committee on Contingent Expenses.

Mr. Crawford, of Caldwell, moved its reference to Committee on Finance.

Mr. Crane, of Orleans, moved to amend by adding with instructions to report forthwith, and that it be made the special order in the Committee of the Whole.

Mr. Belden, of Orleans, moved to amend by making it the order of the day for Thursday.

Mr. Blackburn, of Claiborne, claimed that his motion to refer had precedence.

Mr. Crawford, of Caldwell, rose to a point of order, that the motion to amend had precedence.

Mr. Crane, of Orleans, moved to refer to a Committee of the Whole. Carried.

Mr. Lynch, of Carroll, moved that the Committee on Finance be discharged.

Mr. McMillan, of Carroll, moved to amend by abolishing both the Committee on Finance and the Committee on Contingent Expenses and appointing in their place a Committee on Ways and Means.

Mr. Jones, of Orleans, moved to lay the amendment and motion on the table. Carried.

Mr. McMillan, of Carroll, asked to be excused from serving on the Committee to wait on General Hancock, and was so excused and Mr. Newsham, of West Feliciana, appointed in his place.

On motion the Convention resolved itself into a Committee of the Whole, for the consideration of the resolution of Mr. Newsham, of West Feliciana, and Mr. Waples was called to the chair.

The Committee of the Whole rose and, through its chairman, reported progress to the Convention.

At 4 o'clock the Convention, on motion of W. L. McMillan, of Carroll, adjourned to Wednesday, December 4, 1867, at 11 o'clock a. m.

A true copy:

WM. VIGERS, Secretary.

#### NINTH DAY.

NEW ORLEANS. Wednesday, Dec. 4, 1867.

The Convention was called to order at 11 o'clock a. m.

The Secretary proceeded to call the roll and the following delegates answered to their names :

Taliaferro, Antoine, Baker, Barrett, Belden, Blandin, Bonseigneur, Bonnefoi, Brown, Burrell, Butler, Cooley, Crane, Crawford, Cromwell, Cuneys, Dearing, Demarest, Depasseau, Donglass, Dupart, Dupart, Dulessis, Esnard, Fuller, Ferguson, Gair, Gardner, Gould, Guichard, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLaran, Morris, Moses, Murell, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinckback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Snaer, Scott, Snider, Thibaut, Tinchant, Twitchell, Underwood, Valfroit Vandergriff, Vidal, Wickliffe, Williams, Wilson—83 members present.

Prayer by the Rev. Dr. Henry.

The minutes were read.

Mr. Waples, of Orleans, asked that they be corrected by stating Mr. Crane's motion to refer to the Committee of the Whole as a motion, and not as an amendment.

ORIGINAL RESOLUTIONS.

By Mr. Smith, of Orleans:

WHEREAS, It is absolutely necessary that some provisions should be made for the purpose of enabling members to draw their *per diem*; and

WHEREAS, There are persons in this city who are willing to cash the warrants with a reasonable discount; therefore, be it

*Resolved*, That a Warrant Clerk be elected by this Convention for the purpose of enabling the members to draw their warrants of \$— per day, the amount to be fixed by the Convention.

Mr. Smith, of Orleans, moved to suspend the rules that the resolution may pass to its second reading.

Mr. Wickliffe, of Orleans, rose to the point of order, that under the former rulings of the chair all resolutions having reference to subjects other than those of direct legislation are considered as motions and acted upon accordingly.

Mr. Cooley, of Point Coupee, submitted the following amendment:

*Resolved*, That the members of this Convention receive, in compensation of their services, the same *per diem* and mileage allowed to the members of the General Assembly of Louisiana under existing laws, and that the President of the Convention be authorized to issue a warrant in favor of members for all sums due to them at the rate above established, for any number of days not less than six; said warrant to be attested by the Secretary of the Convention.

Mr. Newsham, of West Feliciana, submitted the following amendment:

*Resolved*, That the members of this Convention receive for their services the sum of ten dollars per day.

Mr. Hempstead, of Assumption, submitted the following amendment:

To fill the blank in Mr. Smith's resolution by the figure "10."

Mr. Belden, of Orleans, submitted the following substitute as an amendment:

*Resolved*, That the pay of delegates to this Convention be ten dollars per day during the session thereof, except such as may fail to attend at any time; and

*Be it further resolved*, That all the delegates to this Convention (except from the parish of Orleans) shall receive the further sum of twenty cents per mile going to, and twenty cents per mile returning from the session of this Convention, which should be calculated and allowed according to the distance by the usually traveled route from the domicile of each delegate to the city of New Orleans, Louisiana.

Mr. Crawford, of Caldwell, moved the reference of the resolution and amendment to a select committee of five, with instructions to report as early as possible.

Mr. Smith, of Orleans, moved to lay on the table all the previous amendments Carried.

Mr. Smith, of Orleans, moved to adopt the resolution.

Mr. Wickliffe, of Orleans, moved to amend by striking out the word "appointed," and inserting the word "elected."

Mr. Waples submitted the following amendment:

To amend by striking out a "Warrant Clerk be appointed," and inserting "the duties of the Warrant Clerk shall be performed by the Secretary."

Mr. Wickliffe, of Orleans, called the attention of the chair to the fact that the hour for the order of the day had arrived and moved to suspend the rules and postpone the order of the day to one o'clock, to allow the determination of the subject before the Convention.

The rules were suspended by a two thirds vote.

Mr. Berthonneau, of Orleans, called for the previous question, which upon the statement of the chair, was demanded by a majority of the Convention.

The chair stated the question to be upon the amendment by Mr. Waples, of Orleans, which was lost.

The question on the original resolution was then put to the Convention, and was adopted.

Mr. Crane, of Orleans, nominated for Warrant Clerk Mr. J. L. Montieu.

Mr. Jones, of Orleans, nominated James Newton.

Mr. Reagan, of East Baton Rouge, nominated Mr. S. Wrotnowski.

Mr. Packard, of Orleans, (right bank) nominated Mr. A. Gury, Jr.

The Chair appointed as tellers Messrs. Smith, Douglass and R. H. Isabelle, and the Convention proceeded to vote by ballot for a Warrant Clerk, with the following result:

J. L. Montieu received 64 votes; S. Wrotnowski received 15 votes; James Newton received 5 votes; Wm. Vigers received 5 votes; A. Gury, Jr., received 2 votes.

And Mr. J. L. Montieu was declared to be duly elected Warrant Clerk of this Convention.

Mr. Belden of Orleans, offered the following resolution:

*Resolved*, That the pay of delegates to this Convention be ten dollars per day during the session thereof, except such as may fail to attend at any time; and be it further

*Resolved*, That all the delegates to this Convention (except from the parish of Orleans) shall receive the further sum of twenty cents per mile going to and twenty cents per mile returning from the session of this Convention, which should be calculated and allowed according to the distance by the usually traveled route from the domicil of each delegate to the city of New Orleans, La.

Mr. Newsham, of West Feliciana, submitted the following amendment:

The compensation of members, officers, and employees of this Convention shall be as follows, in United States Treasury notes: Each member shall receive....\$10 per day. Secretary, Assistant Secré.....

tary, and Minute Clerk..... 10 per day.

Sergeant-at-Arms and Assis-  
tants..... 8 per day.

Warrant Clerk and Enroling  
Clerk..... 6 per day.

Doorkeeper ..... 5 per day.  
Pages and Postmaster, each.... 3 per day.

The mileage of each member from the country parishes shall be twenty cents per mile coming to the Convention and returning to their homes. All compensation to officers and employees shall commence from the day of their election or appointment.

Mr. Crawford moved to amend by substituting \$8 for \$10 as the pay of members of the Convention.

Mr. Belden, of Orleans, rose to the point of order that the paper offered by the member from West Feliciana was a substitute

for the original resolution and subsequent amendments were not in order till it was disposed of.

Mr. Waples, of Orleans, rose to a point of order that under the rules a substitute should be treated as a motion to amend, and should be governed by the rules relating to amendments.

And it was so ruled by the chair.

The ayes and nays were called for by Mr. Crawford, of Caldwell, and seconded by one fifth of the Convention.

The question was put upon the amendment of Mr. Crawford, of Caldwell. The Secretary proceeded to call the roll with the following result :

Ayes: Barrett, Bertonneau, Cooley, Crane, Crawford, Cuney, Dearing, Depasseau, Douglass, Duplessis, Esnard, Ferguson, Harrison, R. H. Isabelle, Thomas Isabelle, Kelso, Landers, Ludeling, Lynch, McLeran, McMillen, Myers, Packard, Pindexter, Riard, Smith, Steele, Thibaut, Twitchell, Vandergriff, Vidal, Wickliffe, Williams—32 ayes.

Nays: Antoine, Baker, Belden, Blackburn, Blandin, Bonnefoi, Brown, Burrell, Butler, Cromwell, Demarest, P. G. Deslonde, G. Dupart, U. Dupart, Francois, Gair, Gardner, Harper, Harris, Hempstead, Hiestand, Ingraham, Jackson, Jones, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Martin, Massicot, Meadows, Morris, Moses, Murrell, Mushaway, Newsham, Oliver, Pierce, Pinchback, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Schwab, Scott, Snider, Tinchant, Underwood, Valfroit, Waples—53 nays.

And the amendment was lost.

The question was then put upon the amendment of Mr. Newsham, of West Feliciana.

The ayes and nays were demanded by Mr. Lynch, of Carroll, and seconded by one fifth of the Convention.

The roll was called with the following result : Ayes 66 ; nays 23.

The following Delegates voted aye :

Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrell, Butler, Crane, Cromwell, Cuney, Demarest, Depasseau, P. G. Deslonde, Douglass, G. Dupart, U. Dupart, Duplessis, Francois, Gair, Gardner, Guichard, Harper, Harris, Hempstead, Hiestand Ingraham, Isabelle R. H., Jackson, Jones, Lange, Leroy, J. B. Lewis, R. Lewis,

Marie, Martin, Massicot, Meadows, Morris, Moses, Murrell, Mushaway, Newsham, Oliver, Pierce, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Tinchant, Valfroit, Vidal, Waples, Wilson—66 nays.

The following delegates voted nay:

Barrett, Cooley, Crawford, Dearing, Esnard, Ferguson, Harrison, Isabelle Thomas, Kelso, Landers, Ludeling, Lynch, McLeran, McMillen, Packard, Pinchback, Poindexter, Riard, Twitchell, Underwood, Vandergriff, Wickliffe, Williams—23 nays.

And the amendment was adopted.

Mr. Waples submitted the following:

*Resolved*, That the *per diem* and compensation allowed to members of this Convention shall be reduced half, after the twentieth day from that and the first day of the assembling of the Convention.

And moved to suspend the rules to put it upon its immediate passage.

Mr. Smith, of Orleans, moved to amend by inserting "30th" instead of "20th day," which was accepted by Mr. Waples. The rules were suspended by a vote of two thirds of the Convention.

Mr. Bertonneau, of Orleans, called for the previous question, which was demanded by a majority of the Convention.

The ayes and nays were called for and seconded by one fifth of the members present.

And the roll was called with the following result :

Ayes 37, nays 47.

The following delegates voted aye :

Antoine, Barrett, Bertonneau, Bonseigneur, Cooley, Crane, Crawford, Cuney, Dearing, Depasseau, Deslonde P. G., Donato, Douglass, Esnard, Fuller, Harris, Harrison, Hempstead, Ingraham, Isabelle R. H., Thos. Isabelle, Kelso, Landers, Ludeling, Lynch, McLeran, McMillen, Mushaway, Myers, Newsham, Packard, Reese, Riard, Smith, Steele, Thibaut, Vandergriff, Waples, Williams—37.

The following delegates voted nay:

Messrs. Baker, Belden, Blackburn, Blandin, Bonnefoi, Brown, Butler, Cromwell, G. Dupart, U. Dupart, Duplessis, Francois, Ferguson, Gair, Gardner, Guichard, Harper, Hiestand, Jones, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Martin, Massicot, Meadows, Morris, Moses, Murrell, Oliver, Pinchback, Poindexter, Pollard, Reagan, Pierce, Riggs Rodriguez, Schwab, Snaer, Scott, Snider, Tinchant, Twitchell,

Underwood, Valfroit, Wickliffe, Wilson—47 nays.

And the amendment was rejected.

#### UNFINISHED BUSINESS.

By P. G. Deslonde, of Iberville :

*Resolved*, That the loyal people of the State of Louisiana from a long experience under the white man's bondage in this State, present our thanks to the thirty-ninth and fortieth Congresses. Further, that we indorse every deliberation for the oppressed races of the State, and are also thankful to the Radical friends throughout the United States and elsewhere on the face of the globe. We furthermore pray the Convention assembled to deliberate thoroughly upon the poor oppressed people under the same basis of Congress of 1867, that all men are created equal, heretofore citizens.

Referred to the Committee on Bill of Rights.

By Mr. Ingraham, of Caddo:

Be it ordained by the people of Louisiana in Convention assembled:

SECTION 1. That in order to raise means to defray the expenses of this Convention, and other matters appertaining thereto, in accordance with section 8, act of Congress March 23, 1867.

Sec. 2. That a tax of fifty cénts be levied and collected upon each and every gallon of spirituous, alcoholic or distilled liquors sold in the State during the year 1868.

*Resolved*, That the Finance Committee are requested to suggest a plan for the collection of this tax.

Referred to the Committee on Finance.

By Mr. Ingraham, of Caddo:

WHEREAS, The Republican party of the United States is now preparing itself for the last great struggle which shall forever determine the question of equal political and civil rights for all the citizens of the Republic; and

WHEREAS, The Republican Congressional Committee has become the chief instrumentality of the Republican party for the dissemination of its principles and the organization of its voters in all the States, and especially in the non-reconstructed States; and

WHEREAS, Hon. Thomas W. Conway is the chief organizer and representative of the said Congressional Committee in the Southern States; therefore, be it

*Resolved*, That he be and is hereby invited by this Convention to deliver an address on the situation of the country in this hall at such time (when this Convention is not in regular session) as may suit his convenience.

Laid over under the rules.

By Mr. Dearing, of Rapides :

WHEREAS, In the present unsettled condition of a large number of voters of this State ; therefore, be it

*Resolved*, That each and every person who may have been or may be registered under the acts of Congress passed March 2, 1867, and the acts supplementary thereto, to provide for the more efficient government of the rebel states who have or can produce sufficient evidence of their having been registered, shall be allowed to vote in any parish in this State for or against the ratification of the Constitution which this Convention may form.

Laid over under the rules.

By Mr. Tinchant, of Orleans :

*Resolved*, That this Convention shall provide, either by special enactment or by amendment to the Constitution, for the legal protection in this State of all women without distinction of race or color, or without reference to their previous condition, in their civil rights.

Referred to the Judiciary Committee.

By Mr. Dupasseau, of Orleans :

*Resolved*, No money shall be drawn from the treasury, but in pursuance of an appropriation made by law, and a regular statement of the receipts and expenditures of all public monies shall be published annually.

Referred to the Committee on General Provisions.

By Mr. Wilson, of Orleans :

The Legislature shall have the power to pass a law for the relief of the veterans of 1814 and 1815.

Referred to the Committee on General Provisions.

By Mr. Tinchant, of Orleans :

WHEREAS, While volunteer corps of militia are more effectual than the militia itself, such corps would become dangerous for the safety of this State and government were persons of rebel antecedents permitted to organize into exclusive volunteer regiments; therefore, be it

*Resolved*, That only honorably discharged soldiers who have served faithfully in the United States army during the late rebellion shall have the right and privilege of organizing themselves into regiments of volunteer militia in this State.

Referred to Committee on Militia.

By Mr. Leroy, of Natchitoches :

*Resolved*, That no lottery shall be authorized by this State, and the buying or

selling of lottery tickets within this State is prohibited.

*Resolved*, That no divorce shall be granted by the Legislature.

Referred to Committee on General Provisions.

By Mr. Wilson, of Orleans :

The privilege of all loyal citizens of every race and color, without regard to any previous condition, to bear arms, shall not be infringed upon.

Referred to Committee on Bill of Rights.

By Mr. Wilson, of Orleans :

*Resolved*, That all persons of every race and color, without regard to any previous condition, shall have the same right to make and enforce contracts, to sue, to give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to full and equal benefits of all laws and proceedings for the security of person and property as are enjoyed by white persons, and shall be subject to like punishment, pains and penalties, and to none other.

They shall have the right to hold office, serve on juries, and admission to all amusements, drinking saloons, hotels, eating and lodging houses, billiard saloons, confectioneries, stores, shops, and all places where merchandise is sold; to asylums, colleges, churches, schools, hospitals, charitable institutions; and all donations given for charitable purposes shall be used for the benefit of all persons, without regard to any distinction of race or color; and shall have the same right to travel by all conveyances by water or land, and all shall be governed by the same rules, and all proprietors shall be held liable for the acts of their agents or employees.

Any person or persons who shall cause or subject to be caused to any person or persons by reason of his color or race to be deprived of any right secured to white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one thousand dollars, and imprisonment of not less than one year, the accused to pay all the costs, and the fine to go to the person or persons upon whom the accused is alleged to have committed the offense, and shall forfeit his or their license.

The Legislature shall provide by law for the faithful execution of this article.

Referred to Committee on Bill of Rights.

By Mr. Depasseau, of Orleans :

*Resolved*, That all reports of standing committees when taken up shall be considered section by section.

Laid over under the rules.

By Mr. Twitchell, of Bienville:

*Resolved*, That the State of Louisiana shall be divided into senatorial districts in the following manner: Two contiguous parishes shall form one senatorial district, excepting the parishes of Orleans and Jefferson which shall be divided into districts as follows: Jefferson Parish and Orleans, right bank, shall form one district; Orleans, left bank, shall be divided into five senatorial districts by uniting two contiguous representative districts. Each senatorial district shall elect one Senator in uniting parishes and representative districts. Care shall be taken to make senatorial districts as nearly equal in population as possible, but after formation, no change shall be made on account of increase or decrease of population.

Referred to Committee on Legislative.

By Mr. Antoine, of Caddo:

SECTION 1. All men are born equally free and independent, and have certain natural, inherent and inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

SEC. 2. Slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever prohibited in this State.

SEC. 3. All power is inherent in the people, all free governments are founded in their authority, and instituted for their benefit; they have, therefore, an inalienable and indefeasible right to institute government, and to alter, reform, or totally change the same when their safety and happiness require it.

SEC. 4. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, of the States in which they reside, and shall be protected in their civil and political rights and public privileges.

SEC. 5. All laws of this State shall be equally binding upon all citizens, and no State, parish, city, nor other authority shall pass or enforce any law or device making any distinction between the citizens of this State on account of their race, color or previous condition.

SEC. 6. Every person may freely speak, write or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecution or indictments for libel the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published with good mo-

tives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.

SEC. 7. The right of the people to peaceably assemble to consult for the common good and to petition the Government or any department thereof shall never be abridged.

SEC. 8. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law.

SEC. 9. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel and unusual punishments be inflicted.

SEC. 10. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain justice freely and without being obliged to purchase it; completely and without denial; promptly and without delay; conformably to the laws.

SEC. 11. Treason against the State shall consist only in levying war against the same or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 12. In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecutions by indictment or information, to a speedy public trial by an impartial jury of the parish or district wherein the offense shall have been committed, which parish or district shall have been previously ascertained by law.

SEC. 13. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by Justices of the Peace, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself; all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended unless when in case of rebellion or invasion the public safety may require,

SEC. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

SEC. 15. No religious tests shall ever be required as a qualification for any office of public trust under the State, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

SEC. 16. The military shall be in strict subordination to the civil power. Every citizen has the right to keep and bear arms for the common defense, and this right shall never be questioned.

SEC. 17. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

SEC. 18. The enumeration of certain rights shall not impair nor deny others retained by the people.

Referred to the Committee on Bill of Rights.

Mr. Wickliffe, of Orleans, moved that all standing and Special Committees be instructed to preserve all the articles and resolutions referred to them, so that they may be produced when called for.

Mr. Brown, of Iberville, moved to amend :

That, any member deeming his resolutions to be worthy of preservation, be requested to keep a copy of them before sending them to the Secretary.

The motion and amendment were laid on the table.

On motion of Mr. Crawford, of Caldwell, the Convention adjourned till 12 o'clock m. to-morrow.

A true copy :

WM. VIGERS, Secretary.

#### TENTH DAY.

NEW ORLEANS, Thursday, Dec. 5, 1867.

The Convention met pursuant to adjournment, and was called to order by President Taliaferro.

The roll was called and the following members answered to their names:

Messrs. Taliaferro, Antoine, Barrett, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, W. R. Crane,

Crawford, Cromwell, Cuney, Dearing, Demarest, P. G. Deslonde, Douglass, Drinkard, G. Dupart, Dupart, Esnard, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, R. H. Isabelle, T. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis, R. Lewis, Lynch, Marie, Martin, Massicot, Meadows, Morris, Moses, Mushaway, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Rodriguez, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wick-life, Wilson—76 members present.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By W. J. Blackburn, of Claiborne:

*Resolved*, That this Convention shall hereafter meet regularly at 10½ o'clock A. M., and adjourn at 3½ o'clock p. m.

By W. J. Blackburn, of Claiborne:

*Resolved*, That the Rev. Dr. Newman be respectfully invited to open the exercises of this Convention each morning with prayer and that a committee of three be appointed to wait upon and communicate to him this request or invitation.

By W. J. Blackburn, of Claiborne:

*Resolved*, That the Sergeant-at-Arms be instructed to remove from the desks of this hall the names of the ex-legislators, and place instead the respective names of the members of this Convention.

Lies over under the rules.

By W. J. Blackburn, of Claiborne:

*Resolved*, That the use of this hall be tendered the Hon. Thomas W. Conway, of New York, to deliver an address on the present and impending political status of the country on any evening he may name, and that a committee of three be appointed to communicate to him the courtesy.

Laid over under the rules.

By Mr. Valfroit:

*Resolved*, That no legislative body hereafter in general assembly shall have the power to amend or annul any of the said articles of this Constitution; nor shall they have the right to call another Convention in the State of Louisiana before a period of seventy years, dated from the day of the adoption of the said Constitution.

Referred to Committee on draft of the Constitution.

By Mr. Fuller:

The Judges of the Supreme Judicial Court shall be appointed by the Governor, by and with the advice and consent of the

Senate, and shall hold their offices during good behavior.

Referred to Committee on Judiciary.

By Mr. Wickliffe, of Orleans:

WHEREAS, It has been charged by the enemies of the colored race in the State of Louisiana that it is the design of the colored race to get control of this State, and destroy the white race therein, and Africanize the State; and

WHEREAS, It is boldly asserted by the enemies of the colored race that they are leagued together by secret organizations, and are armed and equipped for the purpose of carrying out this terrible plan; and

WHEREAS, Petitions are now being circulated in this State for the purpose of receiving subscriptions of names of prominent citizens to these petitions in order that they may be forwarded to the President of the United States, to induce him to take action so as to prevent this pretended outrage; and

WHEREAS, This whole effort is but a plot to justify the President in attempting the accomplishment of such measures as will inevitably lead to a disruption of this government, and thus inaugurate a second, and as these vile schemers hope, successful rebellion against the Government of the United States; and

WHEREAS, If this dangerous scheme be perfected, it will result not only in the ultimate destruction of this government, but in the reduction of this newly enfranchised race again to the chains of slavery, with all its concomitants, injustice, oppression, and horrors; therefore

*Resolved*, That the members of this Convention, as the legal representatives of this long abused and outrageously slandered people, do solemnly enter our protest against this vile slander on the great body of our constituents; and being fresh from these people, and thoroughly conversant with their wishes, desires and intentions, solemnly and earnestly deny the truth of all such charges, and declare to the world that there is not one word of truth in them.

*Resolved*, That as loyal citizens of the United States, we denounce the action of these political schemers against the Government of the United States, and against the rights of man, and warn the President, Congress, and the people of the United States of the foul plot and dangerous schemes of these men.

*Resolved*, That we denounce all men who give credence to this unfounded slander and assist in circulating the same.

*Resolved*, That we earnestly petition Congress to appoint a committee to investigate

all such charges, and thus disabuse the minds of the friends of the long and still abused race throughout the Union.

*Resolved*, That the Secretary be required to furnish a copy of these resolutions, and mail the same immediately to the President, the Speaker of the House of Representatives, and President of the Senate.

Lies over.

By Mr. Blackburn, of Claiborne:

ARTICLE —. The faith of the State shall never again be pledged to protect the landed monopoly of the Mississippi bottoms by the erection of levees or otherwise; but the State may assist in redeeming said lands from inundation whenever such a system of agricultural economy shall be adopted as will secure to the real tiller of the soil the just and legitimate fruits of his labor, by an equitable distribution of the right of ownership in homestead farms.

Referred to the Committee on Internal Improvement.

By Mr. Burrell, of St. John the Baptist:

Owing to the great danger to the public from the unsound condition of the levees along the Mississippi river, therefore, be it

1. *Resolved*, That a tax of one per cent. on the assessed value of property in each parish be collected within ten days from the passage of these resolutions for the purpose of building, and repairing the levees along the Mississippi river.

2. *Resolved*, That the Governor of the State appoint a receiver to collect the money, and to pay the same on the warrant of the syndics countersigned by the President of the police juries.

3. *Resolved*, That all crops or parts of crops, as well as the lands, be and the same are liable for this tax, and on failure to pay within the time specified, fifty per cent. additional to be collected, with all costs to enforce the same.

4. *Resolved*, That all the works of rebuilding and repairing be under the supervision of the syndics, either by contract or otherwise.

Lies over under the rules.

By Mr. Wickliffe, of Orleans:

ARTICLE —. The system of laws heretofore in use in this State, and known as the civil law system, together with all statutes enacted by previous Legislatures in accordance therewith, together with the revised statutes, civil code and code of practice, are hereby abolished, and the common law of England is adopted as the law of Louisiana; and all statutes of a general nature, and not local to that kingdom, passed prior to the fourth year of the reign of King

James the First, are also adopted as the laws of this State until repealed by future legislation; and as a further guide to practice and authority on questions of law and equity, the decisions of the Supreme Courts of the different common law States, and of the United States Supreme Court, on questions not purely local, are hereby adopted: *Provided*, that the rules of chancery pleading and practice are excepted in this adoption of the common law, and that all civil courts shall have equity jurisdiction; but all suits in equity or law shall be brought by petition, and answer and follow the same general rules of practice: *And provided further*, that the common law statutes and provisions for imprisonment for debts are also excepted, and that no person shall ever be arrested or imprisoned for debt in this State.

**ART. —.** The Legislature shall pass such laws as may be necessary to carry out the spirit and letter of the foregoing article, and may adopt such statutes as are not inconsistent with the provisions of this Constitution.

**ART. —.** The Legislature shall pass such laws as may be necessary to perfect the machinery of the courts in consonance with the new system of laws hereby adopted, and the general provisions of this Constitution.

**ART. —.** The common law as hereby adopted shall go into operation and be in force within six months from the date of the promulgation of this Constitution.

**ART. —.** The laws, public records, and all records of judicial and legislative proceedings of the State shall be promulgated and preserved in the English language only. All publication of the same in any foreign language is hereby forever prohibited. All legal papers, contracts, or proceedings drawn or preserved in any other language than the English after the common law goes into operation shall be null and void in law and equity.

**ART. —.** All proceedings, judicial or legislative, shall be conducted only in the English language: *Provided*, That the Legislature may provide for the interpreting of the testimony of witnesses who can not speak the English language.

**ART. —.** No vested rights shall be divested, but all vested rights acquired under former constitutions, and under the former system of laws in force in this State shall be maintained by action at law or equity within five years from the date of the promulgation of this Constitution, after which time no action shall lie either at equity or law for such rights.

**ART. —.** All mortgages shall, after the promulgation of this Constitution, be written and by publication.

**ART. —.** Capital punishment in this State is hereby forever abolished.

Referred to Committee on Schedule and Ordinance.

By Mr Fuller, of Avoyelles:

**ARTICLE —.** It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the Supreme Judicial Court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Referred to Committee on Bill of Rights.

By Mr. Wickliffe, of Orleans:

**ARTICLE —.** All persons, without distinction of race, color or previous condition, shall possess equal rights and privileges, civil and religious, consistent with the provisions of this Constitution.

**ART. —.** No company or corporation that now exists or may hereafter be created in this State shall make any distinction of race or color in its rules or regulations.

The Legislature shall pass stringent laws against all violations of this article.

Referred to the Committee on Bill of Rights.

By Mr. Dupart, of St. Tammany:

*Resolved*, That all citizens of this State shall forever enjoy all the civil and political rights conferred on them by the late acts of Congress, and no educational or property qualification shall be required of any citizen for voting.

Referred to Committee on Bill of Rights.

By Mr. Blandin, of Orleans:

*Resolved*, The judges of the Supreme Court shall be elected by joint vote of the General Assembly, and for a term of six years. They shall have power to appoint their own clerks. The judges of the inferior courts shall be elected by the qualified voters of the district in which they reside, and shall hold their courts at such time and place as the General Assembly may direct; they shall hold their office for a term of four years and until their successors are elected and qualified.

Clerks of the inferior courts in the State shall be elected for the term of two years, and should a vacancy occur subsequent to

an election it shall be filled by the judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

Referred to Committee on Judiciary.

The order of the day was taken up, and the following reports of standing committees were received:

Committee on Legislative Department—Reported progress.

Committee on Judiciary—Reported progress.

Committee on the Executive—Reported progress.

On Ordinance and Schedule—Reported progress.

On Enrollment—No report.

On Printing—No report.

On Finance—Reported no progress.

Committee on Militia reported the following:

#### REPORT OF THE COMMITTEE ON MILITIA.

SECTION 1. It shall be the duty of the General Assembly to organize the Militia of the State, and all able-bodied male citizens, between the ages of eighteen and forty-five years, who are not disfranchised by the Constitution and laws of the United States and of this State shall be liable to militia duty.

SEC. 2. The Governor shall appoint all commissioned officers, subject to confirmation or rejection by the Senate.

SEC. 3. All militia officers shall take and subscribe the oath prescribed for the officers of the United States Army.

Mr. Crane, of Orleans, moved to print 200 copies of the report. Adopted.

Committee on Public Education—Reported progress.

Committee on Internal Improvements—Reported progress.

Committee on Bill of Rights—Submitted the following report:

PREAMBLE, We, the people of the State of Louisiana, grateful to Almighty God, the sovereign ruler of nations, for our State government, our liberties, and our connection with the American Union, and acknowledging our dependence upon him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

#### ARTICLE I—BILL OF RIGHTS.

SECTION 1. All persons, without regard to race, color or previous condition, except Indians not taxed, born or naturalized in

the United States and inhabitants of this State one year are citizens of this State.

SEC. 2. All men are born free and equal, and have certain inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed

SEC. 3. There shall be neither slavery nor involuntary servitude in this State otherwise than for the punishment of crime, whereof the parties shall have been duly convicted.

SEC. 4. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published for good motives and for justifiable ends, the party shall be acquitted and the jury shall have the right to determine the law and the fact.

SEC. 5. The right of the people peaceably to assemble to consult for the common good, and to petition the Government or any department thereof, shall never be abridged.

SEC. 6. The right of trial by jury shall not be violated.

SEC. 7. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required, or excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 8. In all criminal prosecutions and in cases involving the life or liberty of an individual, the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

SEC. 9. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury, except in cases of impeachment or in cases cognizable by justices of the peace or arising in the army or navy, or in the militia when in actual service in time of war or public danger, and no person for the same offense shall be put twice in jeopardy of punishment; nor shall be compelled in any criminal case to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses where the proof is evident,

or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require.

SEC. 10. All courts shall be open, and every person for an injury done him in his land, goods, person, or reputation, shall have remedy by due progress of law and justice, administered without denial or delay.

SEC. 11. The right of all citizens to travel and be entertained shall not be infringed or in any manner whatever be abridged in this State.

SEC. 12. No public funds, or money, or moneys, shall be given or bestowed upon any charitable or public institution in this State that makes any distinction among the citizens of this State.

SEC. 13. Treason against the State shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or a confession in open court.

SEC. 14. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

SEC. 15. No bill of attainder, *ex post facto* law, nor any law impairing the obligations of contracts shall ever be passed by the General Assembly, and no laws shall be passed regulating labor or the price thereof.

SEC. 16. All children bound out by any enactment by any "*so-called*" general assembly in this State since the year eighteen hundred and sixty-two, shall be released and returned to their parents or relatives by any court of competent jurisdiction after the adoption of this Constitution.

SEC. 17. The property of no person shall be taken for public use without just compensation therefor, and no person shall be imprisoned for debt except for fraud.

SEC. 18. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property.

SEC. 19. No person shall be imprisoned for debt in any civil action on mesne, or final process, unless in case of fraud.

SEC. 20. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect or support any place of wor-

ship, or maintain any form of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceful enjoyment of its own mode of public worship.

SEC. 21. The military shall be in strict subordination to the civil power.

SEC. 22. The writ of error shall be a writ of right in all capital cases, and shall operate as a supersedeas to stay execution of the sentence of death until the further order of the Supreme Court in the premises.

SEC. 23. The blessings of a free Government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 24. That all property subject to taxation shall be taxed in proportion to its value.

SEC. 25. No title of nobility or hereditary emolument, privilege, or distinction shall be granted in this State.

SEC. 26. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

SEC. 27. That all power is vested in and consequently derived from the people, that magistrates are but their servants and trustees, and at all times amenable and accessible to them.

SEC. 28. That all elections shall be free, and that all men, except such as are disfranchised, shall have and exercise the right of suffrage.

SEC. 29. That no person shall be transported out of this State for trial for any offense committed within the same.

SEC. 30. The right of all citizens, except those disfranchised, to bear arms shall not be infringed.

SEC. 31. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

SEC. 32. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of Government, and shall ever remain inviolate.

We, your Committee on Bill of Rights, beg leave to report the above, and the following resolution:

*Resolved*, That 260 copies of the report of the Committee on Bill of Rights be printed for the use of the Convention, and that it be the order of the day for Monday, December 9, 1867.

Respectfully submitted,

JAME H. INGRAHAM, Chairman.  
GUSTAVUS DUPART,  
DANIEL D. RIGGS,  
HENDERSON WILLIAMS,  
DAVID WILSON,  
JOHN PIERCE,  
JOHN SCOTT,  
C. B. H. DUPLESSIS.

The undersigned indorses all of article 1 except section 1, and offers thereto the following minority report as a substitute to section 1, article 1:

SECTION 1. All persons being one year residents of this State and voluntary subjects of the Constitution and laws of the United States, and the Constitution and laws of this State, are citizens of this State, and therefore entitled to all the privileges, immunities, and rights belonging in all respects to any citizen of the United States, and no legislative enactment or judicial decision shall in anywise abridge the unalienable rights mentioned or embraced in this section.

GEORGE W. REAGAN.

Ordered to be printed under the rules.

Mr. Smith, chairman of the select Committee on Levee Bonds, asked to be allowed until Friday morning in which to make their report.

Mr. Reagan, of East Baton Rouge, on the above Committee, made a minority report, which was submitted along with the majority report by the chairman of the Committee.

Mr. Crane, of Orleans, moved to print 100 copies of the reports. Adopted.

Committee on Contingent Expenses reported progress.

Committee on Draft of Constitution reported no progress.

#### REPORT OF SPECIAL COMMITTEES.

Mr. Smith, of Orleans, chairman of the Committee on Levee Bonds, reported progress, and asked for further time, which was granted.

The following resolutions came up in their regular course in the

#### ORDER OF THE DAY.

By Mr. Wickliffe, of Orleans:

WHEREAS, It is the earnest desire of the people of Louisiana now in Convention assembled to reconstruct this State in perfect accord with the will of Congress of the United States as expressed in the reconstruction laws passed by that august body for the government of the States lately in rebellion; and

WHEREAS, It is utterly impossible to carry out the will of Congress as therein expressed for the reconstruction of this State, unless the State, municipal, parish, and judicial offices throughout the State are filled by men of undoubted loyalty to the general Government, prior to the attempt to submit the Constitution to the people for ratification, or to take any other step toward the reconstruction of this State; and

WHEREAS, The power of this Convention of the people of Louisiana to accomplish this essential prerequisite to a reconstruction, viz: the removal of all disloyal men now in office throughout the State, and the installing in their places men of known and tried loyalty—is not as clearly defined by the said reconstruction acts as is desirable; therefore

*Resolved*, That this Convention, elected by the loyal people of Louisiana in obedience to the laws of Congress, and representing directly and legally the feelings, sentiments, wishes and purposes of the loyal people of Louisiana, both white and colored, do hereby earnestly petition Congress, at the earliest possible moment to pass an enabling act giving power to this Convention, as the representatives of the loyal people of Louisiana, to remove from office all men throughout the State who now are, or may be in any State, municipal, parish, or judicial office, and who now are or may be impediments to the reconstruction of Louisiana in accordance with the reconstruction laws of Congress, and fill those offices with men of undoubted loyalty and sympathy with the expressed will of Congress, and require the commanding General of the Fifth Military District to render all desired and necessary aid in order to carry out the will of Congress in reconstructing this State; *Provided*, That all appointments thus made shall be temporary, and the incumbents thus appointed shall hold their offices until their successors are duly elected under the Constitution to be submitted by this Convention.

*Resolved*, That copies of these resolutions be forwarded by the President of this Convention to the honorable Speaker of the House of Representatives at Washington, and the honorable President of the United States Senate, requesting them to lay the same before the respective bodies over

which they preside, and to urge immediate action thereon.

Referred to Committee of the Whole.

By Mr. Ingraham, of Caddo :

WHEREAS, The Republican party of the United States now preparing itself for the last great struggle which shall forever determine the question of equal political and civil rights for all the citizens of the Republic ; and

WHEREAS, The Republican Congressional Committee has become the chief instrumentality of the Republican party for the dissemination of its principles and the organization of its voters in all the States, and especially in the non-reconstructed States ; and

WHEREAS, Hon. Thomas W. Conway is the chief organizer and representative of the said Congressional Committee in the Southern States ; therefore, be it

*Resolved*, That he be and is hereby invited by this Convention to deliver an address on the situation of the country in his hall at such time (when this Convention is not in regular session) as may suit his convenience.

Mr. Cromwell, of Orleans, moved to amend by extending the invitation to Mrs. E. Highgate.

Mr. T. Isabelle, of Orleans, moved to lay on the table. Adopted.

By Mr. Dearing, of Rapides:

*Resolved*, That each and every person who may have been or may be registered under the acts of Congress passed March 2, 1867, and the acts supplementary thereto, to provide for the more efficient government of the rebel States, who have or can produce sufficient evidence of their having been registered, shall be allowed to vote in any parish in the State for or against the ratification of the Constitution which this Convention may form.

Referred to the Committee on Legislative Department.

By Mr. Depasseau, of Orleans:

*Resolved*, That all reports of standing committees when taken up shall be considered section by section.

Mr. Blandin, of Orleans, moved to adopt. Carried.

Mr. Bonseigneur, of Orleans, chairman of the Committee on Contingent Expenses, submitted the following report:

That the nomination of Mr. Longpre, Clerk of the Committee on Enrollment, be confirmed.

Mr. Tinchant, of Orleans, moved to confirm the nomination of the Committee. Adopted; and the appointment of Mr. E. Longpre, as clerk of said Committee, was declared to be confirmed.

Mr. Vandergriff, chairman of Committee on Enrollment, presented the following report:

That the nomination of H. Berthelot as Chief Enrolling Clerk, A. Snaer and Walker Belden, as assistant enrolling clerks of the Committee of Enrollment be confirmed.

Mr. Wickliffe, of Orleans, moved to lay the report on the table. Adopted.

Mr. Wickliffe, of Orleans, moved that the Committee on the Whole shall sit every evening, Sundays excepted, at six o'clock.

Mr. Smith, of Orleans, moved to adjourn until Monday for the purpose of giving the standing committees an opportunity of completing their reports. Lost.

Mr. McMillen, of Carroll, moved to amend by striking out the words "Sundays excepted."

Mr. Crane, of Orleans, moved to amend by adding the words "to take effect after Wednesday next."

Mr. Thos. Isabelle, of Orleans, moved to lay the motion and amendments on the table. Adopted.

Mr. Ingraham, of Caddo, moved that when this Convention adjourn it be until to-morrow at twelve o'clock, at which time all standing committees will be required to report. Laid on the table.

Mr. Bertonneau, of Orleans, moved to lay on the table. Adopted.

Mr. Wickliffe, of Orleans, moved that the Convention do now resolve itself into a committee of the whole for the consideration of the resolution referred this morning.

The motion was adopted and the Convention went into committee of the whole.

Mr. Pinchback, of Orleans, in the chair.

At 4 o'clock P. M. the Committee rose and through its chairman, Mr. Pinchback, reported progress to the Convention.

On motion of Mr. Ingraham, of Caddo, the Convention adjourned until to-morrow at 12 M.

A true copy :

WM. VIGERS, Secretary.

## ELEVENTH DAY.

NEW ORLEANS, Friday, Dec. 6, 1867.

The Convention met at 12 o'clock m.  
President Taliaferro in the chair.

The roll was called by the Secretary and  
the following delegates answered to their  
names:

Messrs. Taliaferro, Antoine, Baker, Barret, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde P. G., Deslonde Jos., Donato, Douglass, Drinkard, G. Duparte, Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harris, Garrison, Hiestand, Ingraham, Isabelle T., Isabelle, Jones, Kelso, Lange, Leroy, Lewis J. B., Lewis, Ludeling, Moris, Meadows, McLeran, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese. Riard, Riggs, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—82 members present.

Prayer by Rev. Mr. J. Fiske :

The journal of yesterday's proceedings  
was read and adopted.

## ORIGINAL RESOLUTIONS.

By Mr. Tinchant, of Orleans :

WHEREAS, By the acts of the United States Congress, known as Military Reconstruction acts, and by the acts supplementary thereto, this Convention is empowered not only to make a Constitution, but to found a Civil Government; therefore, be it

*Resolved*, That this Convention shall immediately take prompt measures to form a Civil Government loyal to the United States, and so enact as to have it thoroughly organized throughout the State previous to submitting the Constitution to the people for ratification.

Laid over under the rules.

Mr. Harper, of St. John the Baptist, moved :

That no member of this Convention shall speak more than ten minutes upon any question, except in committee of the whole.

Mr. Crawford, of Carroll, offered the following motion:

That the Sergeant-at-Arms be instructed to keep one of his assistants in the ante-

room, and that he be required to keep order and silence therein. Adopted.

Mr. Bonseigneur, of Orleans, moved to amend Mr. Harper's motion:

That no member shall be allowed to speak more than twenty minutes upon any question, without the consent of the Convention.

Mr. Burrel, of St. John the Baptist, moved to table. Lost.

Mr. Ingraham, of Caddo, moved to suspend the rules to adopt the motion of Mr. Harper.

Mr. Smith, of Orleans, moved to lay on the table. Adopted on a division—ayes 52, nays 22.

By Mr. Lynch, of Carroll:

*Resolved*, That the Major General commanding the Fifth Military District is hereby respectfully asked to furnish this Convention an official statement of the number of registered voters in each parish of the State.

On motion, the rules were suspended to put the resolution on its passage.

Mr. Barret, of Union, moved to amend by adding the words "and each representative district of the city."

The amendment was accepted, and the resolution was adopted.

By Mr. Valfroit, of Ascension:

*Resolved*, That the legislative body in general assembly shall not have the power to make or pass any acts or amendments in the Legislature of the State of Louisiana that shall deprive his citizens of the right of entering into any public places on account of race, color or previous condition.

Lies over.

By G. Duparte, of St. Tammany:

WHEREAS, Many of our colored citizens have been bound out by the action of the Freedmen's Bureau agents to their former masters, and others against the will of their natural relations; and

WHEREAS, Great many of those children have been taken away from the midst of their natural relations, amongst whom they were doing well, and bound over to their former masters and others for a time not to expire until such unfortunate children shall have obtained to the age of twenty-one years; and

WHEREAS, We, the people of this State, do desire that those children be returned back to their natural relations so soon as the Constitution shall have been ratified by the people, accepted by Congress, and the

State re-admitted in the Union of the United States; therefore, be it

*Resolved*, That all contracts made by the action of the Freedmen's Bureau agents in his State in relation to children bound over to their former masters and others, without the consent of their natural relations, are declared to be null and of no value so soon as the Constitution of this State shall have been ratified by the people, accepted by Congress, and the State re-admitted in the Union of the United States.

Lies over under the rules.

By Mr. Wilson, of Orleans:

*Resolved*, That the Legislature shall provide for the education of all children in the State, between the ages of six and eighteen years, of every race and color, without regard to any previous condition, by the maintenance of free public schools, by taxation or otherwise.

Referred to the Committee on Education.

Mr. Thomas Isabelle, of Orleans, moved: That each standing committee be authorized to employ one clerk whenever a majority of such committee may decide the same to be necessary.

Mr. Blandin, of Orleans, moved to lay on the table. Lost.

And the motion on a division was adopted.

Mr. Wickliffe, of Orleans moved:

That the President of this Convention be, and he is hereby authorized and required, immediately issue warrants on the Treasurer of this State, to each member, officer and employee of this Convention, for the amount due each, for his services in this Convention, said warrants to be indorsed by the President and signed by the Secretary, and countersigned by the chairman of the Committee on Contingent Expenses.

Adopted.

Mr. Smith, of Orleans, moved to invite the Hon. E. Heath, Mayor of New Orleans, to a seat on the floor of the Convention. Carried.

#### SPECIAL ORDER OF THE DAY.

The resolution offered by Mr. McMillan, of Carroll, on the subject of the levee bonds, which was made the special order of the day, was taken up, and on motion of Mr. McMillan its consideration was deferred till after the report of the Special Committee, of which Mr. Smith is chairman.

The Special Committee submitted the following report:

#### SPECIAL COMMITTEE'S REPORT.

To the President and Members of the Convention:

The Special Committee appointed to report on the subject of levees as per resolution of your body, beg to submit the following:

They have not had the requisite time to present a detailed statement of the condition of the levees for each parish, nor do they deem it essential for the Convention.

It is a matter of history, and a dark chapter in the annals of our State, that the fairest portion of our agricultural lands have been submerged by the breaking of the levees on the Mississippi for the past three years; the following parishes having suffered from this calamity, viz: Carroll, Madison, Tensas, Concordia, Point Coupee, West Baton Rouge, Iberville, Ascension, Lafourche, Terrebonne, St. Mary, St. Martin, Avoyelles, Catahoula and St. Landry. The bottom lands of Red River and the Ouachita have been overflowed from the same cause—that is, the breaking of the levees. It is not our province to furnish statistics to show the magnitude of the loss of crops, the destruction of stock, the injury to the lands and the sufferings and destitution of the people caused thereby.

The present condition of the levees afford no security against a repetition of these calamities; on the contrary, the breaks in the levees through which the river poured its vast floods during the last high water, are still open, and unless closed, the same extent of country will be overflowed for the third time.

The Legislature, at its last session, appropriated four millions of dollars in the form of bonds, bearing six per cent. interest, payable in twenty years, for levee purposes, to be expended by the State Board of Levee Commissioners. We are informed by the chairman of the existing Board, J. H. Oglesby, Esq., that W. D. Smith, a member of the Board, and his self, were appointed a committee to proceed to New York, and other Northern cities, for the purpose of negotiating the sale of these bonds, or borrowing money on pledge of same, as provided by law.

That the committee reached New York in the early part of August, having in their possession a sample of the bonds, and thoroughly canvassed that market to obtain funds, either by sale or loans on pledge.

The sale of the bonds being limited by law and not less than eighty cents on the dollar, and the old State bonds being quoted at the same time as worth but fifty-six cents on the dollar, it is not difficult to

understand why the sale of said bonds could not be accomplished, and of course all efforts in that direction failed.

Efforts to borrow money on pledge were equally unsuccessful. The commissioners, as it will be seen, have, therefore, accomplished nothing. The entire series of bonds are in the hands of the Governor, unsigned and unissued. It may not be amiss here to remark, as a last resource to obtain means to construct the grand and important levees, the Board advertised for proposals to build these levees, tendering bonds in payment.

The high rates of the bids received established the fact of the depreciated value of the bonds in the market, and the sacrifice was deemed too great by the Board to justify their acceptance of the offers for the present.

In view of the preceding state of things, we are further informed by Mr. Oglesby, chairman, that the Board at its last meeting came to the conclusion that nothing could be done by way of building the levees, relying on the State appropriation, and determined to make another effort, by sending commissioners or agents to Washington, to ask Congress for the passage of a bill authorizing the indorsement or guarantee of the bonds by the General Government, or a loan for the amount, on pledge of the bonds. The persons appointed by the Board to go to Washington on this mission are Messrs. J. H. Oglesby, W. L. McMillan, member of the Board, and Mr. J. P. Sullivan, of New Orleans.

It is the general opinion, in view of the present low stage of the river, that the spring freshets will be later than usual. It is, therefore, thought that if aid could be promptly obtained from Congress in any shape, to build the levees, it might be available for protection against the next rise.

In conclusion, your committee beg to state that they are of opinion that the project originated by the Board, of sending commissioners to Washington to appeal to Congress for national aid to restore the levees, is worthy of the serious consideration of the Convention for indorsement.

It is also regarded by your committee as a matter of the highest importance that the men selected for this purpose should possess a record of loyalty to the government and identity with the interest of the State, and be able to furnish statistics, present facts and arguments to convince Congress that the National Government, as well as the States bordering on the Mississippi river, have a deep interest in the security of the levees, by which a vast area of the alluvial lands of this great valley can be reclaimed for the purposes of agriculture. On the

mode and manner in which this aid shall be asked, whether by the indorsement of the bonds and the proceeds thereof to be expended by the State authorities, or whether in the shape of a loan on the deposit of the bonds as a pledge, the money to be disbursed as aforesaid; or by Congress taking the levees as a national work, to be built under the direction of its own agents, all questions that admit of a difference of opinion.

Your committee, with due deference, think that if Congress should conclude to come to the relief of the State by granting material aid to build the levees, that it will be adopted as a national measure, and the money will be disbursed by the usual mode.

Impressed with this idea, and to correct the prejudices created in the minds of the members of that body, by the efforts of those previously entrusted with the duty of representing the State in this matter, and who have attempted to bring pecuniary influences to bear on Congress.

Your committee are of the opinion that the appropriation asked should be as a measure of national relief. We think the action of this Convention, in the premise representing as it does the loyal element of the whole State, will have an important influence with Congress in convincing them that the relief asked is not a party measure, but is necessary to perfect the reconstruction policy of Congress.

Your committee further report that from reference to the books of the Auditor and Treasurer's office, it does not appear that any such bonds exist of the four million issued, and that the act of the Legislature authorizing the said issue has not been complied with.

(Signed) CHAS. SMITH, Chairman.

Resolution by Mr. Charles Smith, of Orleans:

The State of Louisiana shall be divided into four Districts, viz:

First District—All parishes and fractions of parishes lying east of the Mississippi river, and south of the Mississippi State line.

Second District—All parishes and fractions of parishes lying west of the Mississippi river, and south of the south line of Rapides and Avoyelles parishes, including Point Coupee parish.

Third District—All parishes and fractions of parishes lying between the Mississippi river and Red river.

Fourth District—All parishes and fractions of parishes lying west of Red river and north of the south line of Rapides and Avoyelles parishes, including Avoyelle parish.

*Resolved further,* There shall be a General Superintendent elected by the Superintendents of each District.

Referred to the Committee on Internal Improvements.

Mr. Waples, of Orleans, moved that the report be laid on the table, subject to call, and the Committee discharged. Adopted.

The consideration of the resolution of Mr. McMillan, of Carroll, was resumed.

Mr. Wickliffe, of Orleans, moved to lay on the table.

Mr. McMillan, of Carroll, called for the ayes and nays, which was seconded by one fifth of the members present.

The Secretary called the roll and the motion to table was adopted—ayes 76, nays 13—as follows :

Ayes : Messrs. Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonseigneur Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Cuney, Demarest, Depasseau, P. G. Deslonde, Douglass, Drinkard, Duparte, Dupart, Duplessis, Esnard, Francois, Gair, Gardiner, Harris, Hiestand, Ingraham, R. H. Isabelle, Thomas Isabelle, Jackson, Jones, Kelso, Lange, Leroy, J. B. Lewis, Marie, Martin, Massicot, Meadows, McMillan, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—76.

Nays : Messrs. Barret, Cooley, Dearing, Harper, Harrison, Hempstead, Landers, Richard Lewis, Ludeling, Lynch, McLeran, Newsham, Steele—13.

Mr. McMillan, of Carroll, gave notice that he would move a reconsideration of the vote to lay on the table.

Mr. Pinchback, of Orleans, moved to reconsider, and Mr. Smith, of Orleans, moved to lay the motion to reconsider on the table, which was adopted.

Mr. Wickliffe, of Orleans, moved that the Committee on Finance and Contingent Expenses be requested to report to this Convention at the earliest possible day the respective ordinances on the means of raising funds for the use of this Convention submitted to them, or to submit a report embodying some practical and feasible plan for securing the desired object. Adopted.

Mr. Barret, of Union, moved to adjourn till Monday at 12 o'clock m. Lost.

And on motion, the Convention adjourned to Saturday at 11 o'clock a. m.

A true copy :

WM. VIGERS, Secretary.

#### TWELFTH DAY.

NEW ORLEANS, Saturday, Dec. 7, 1867.  
The Convention met at 11 o'clock a. m.  
President Taliaferro in the chair.

The roll was called and the following delegates answered to their names:

President J. G. Taliaferro, Messrs. Antoine, Baker, Barret, Bertonneau, Blackburn, Bonseigneur, Bonnefoi, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Douglass, Drinkard, Dupart, Duplessis, Fuller, Ferguson, Gair, Gould, Harper, Harris, Harrison, Hempstead, Hiestand, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, Massicot, Meadows, McLeran, McMillan, Morris, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—73 members present.

Prayer by Rev. Dr. J. Fiske.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Underwood, of St. James:

*Resolved*, Any person who shall hereafter fight a duel, or assist in the same as second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall be disqualified for holding any office, and shall forever after be disfranchised in this State.

*Resolved*, That the Legislature shall at its first session provide by law that the names and residence of all qualified electors shall be registered in order to entitle them to vote, but the registry shall be free of cost to the electors.

Referred to Committee on Legislative Department.

By Mr. Underwood, of St. James:

The Legislature shall at its first session provide by law that the names and residence of all qualified electors shall be registered, in order to entitle them to vote; but the registry shall be free of cost to the elector.

Lies over.

By Mr. Demarest, of St. Mary:

WHEREAS, Gambling in this State, and especially in the city of New Orleans, is carried on to a great extent; and

WHEREAS, The treasury of the State receives no benefit therefrom; therefore, be it

*Resolved*, That the next General Assembly be authorized to license all gambling houses where banking games are kept, for the benefit of the State, or of charitable institutions of the State, as they may deem best.

Laid over under the rules.

By Mr. Belden, of Orleans :

*Resolved*, That the pay of the President of the Convention shall be double the pay of the other members thereof.

Laid over under the rules.

Mr. Hiestand moved that the Sergeant-at-Arms be instructed to prepare seats within the bar of the Convention which shall be set apart for the use of ladies visiting this body.

Indefinitely postponed on motion of Mr. Waples.

By M. Lange, of East Baton Rouge :

WHEREAS, Many Members of this Convention are without money, and are depending upon their warrants in order to get means, and as many of them are probably unaccustomed to the selling or trading of said warrants, therefore be it.

*Resolved*, That this Convention authorize the President to call on the bankers or brokers of the city of New Orleans and make such arrangements as he possibly can with them for the selling or cashing of all warrants of said members of this Convention, and to report back to this Convention to-morrow morning at 11 o'clock A. M.

*Resolved further*, That the State Treasurer be and is hereby instructed to accept under his official seal any of such warrants issued by the Warrant Clerk and president of the Committee on Contingent Expenses of this Convention.

Lies over.

Mr. Wickliffe, of Orleans, moved to amend rule 52 of the rules and regulations of this Convention by substituting 10 o'clock for 11 o'clock. Lies over.

Mr. Wickliffe, of Orleans, moved that rule 30 of the rules and regulations of this Convention be amended so as to read "which shall be taken up at 1 o'clock P. M."

Mr. Wickliffe, of Orleans, presented a resolution which was referred without being read to the Committee on the Judiciary.

By Mr. Wilson, of Orleans:

Suffrage shall be universal, and all male citizens of any race or color, without regard to any previous condition, excepting such as have been disfranchised for participating in the rebellion or civil war against the United States Government, or for felony committed against the laws of any States of the United States, who have attained the age of twenty-one (21) years, and has been a resident of the State for the last twelve months preceding the day of election, and are citizens of the United States, shall have the right to vote at all elections held in this State.

The Legislature shall provide by laws for the faithful execution of this article.

Referred to committee on General Provisions.

By Mr. Cromwell, of Orleans :

*Resolved*, That where persons before the adoption of this Constitution, shall have undertaken and agreed to occupy the relation to each other of husband and wife, and shall be cohabiting together as such at the time of its adoption, whether the rites of marriage shall have been celebrated between them or not, they shall be deemed husband and wife, and be entitled to the rights and privileges, and subject to the duties and obligations of that relation in like manner as if they had been duly married, and all their children shall be deemed legitimate, whether born before or after the adoption of this Constitution, and when the parties have ceased to cohabit before the adoption of this Constitution, in consequence of the death of the man or from any other cause, all the children of the woman recognized by the man to be his, shall be deemed legitimate. The Legislature shall pass no laws to the contrary notwithstanding.

Referred to Committee on General Provisions.

By Mr. Wilson, of Orleans:

The Legislature shall provide by law for the licensing of gambling houses, and said houses shall play with open doors. Two hundred dollars shall be levied as license, or a tax on each banking game, and one hundred on each tombola.

The taxes so collected shall be for the benefit of charitable institutions.

No municipal corporation shall impose a higher license on such houses than the above mentioned sum.

Referred to Committee on General Provisions.

#### REPORT OF STANDING COMMITTEES.

Committee on Legislative Department—Reported progress.

Committee on the Judiciary—Reported progress, and hope to present full report by Monday.

#### COMMITTEE ON EXECUTIVE.

The Committee on Executive beg leave to present the following report :

#### TITLE—EXECUTIVE DEPARTMENT.

**ARTICLE 1.** The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for Representatives shall vote for Governor and Lieutenant Governor at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then to be helden. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected; but if two or more persons shall be equal and the highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for Lieutenant Governor shall be Lieutenant Governor; but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

**ART. 2.** No person shall be eligible to the office of Governor or Lieutenant Governor who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of twenty-five years.

**ART. 3.** The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

**ART. 4.** The Governor shall enter on the discharge of his duties on the \_\_\_\_\_ next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

**ART. 5.** No member of Congress, or any

person holding office under the United States Government, shall be eligible to the office of Governor or Lieutenant Governor.

**ART. 6.** In case of impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and the Lieutenant Governor, declaring what officer shall act as Governor, and such officer shall act accordingly, until the disability be removed, or for the remainder of the term.

**ART. 7.** The Lieutenant Governor or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

**ART. 8.** The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

**ART. 9.** The Gevneror shall receive a salary of eight thousand dollars per annum, payable quarterly, on his own warrant.

**ART. 10.** While acting as President of the Senate the Lieutenant Governor shall receive for his services the same compensation which shall for the same period, be allowed to the Speaker of the House of Representatives, and no more.

**ART. 11.** The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons, remit fines and forfeitures, after conviction. In cases of treason, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

**ART. 12.** He shall be Commander-in-chief of the militia of this State, except when they shall be called into the service of the United States.

**ART. 13.** He shall nominate, and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution, and whose appointments are not herein otherwise provided for: *Provided*, however, that the Legislature shall have a right to prescrip

the mode of appointment to all other offices established by law.

ART. 14. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session thereof, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.

ART. 15. He may require information, in writing, from the officers in the Executive department upon any subject relating to the duties of their respective offices.

ART. 16. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 17. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from epidemic; and, in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months: *Provided*, It be not to a period beyond the next Constitutional meeting of the same.

ART. 18. He shall take care that the laws be faithfully executed.

ART. 19. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it, if he do not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration a majority of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections, to the other House, by which it shall be likewise reconsidered, and if approved by a majority of the members elected to that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return, in which case, the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

ART. 20. Every order, resolution or vote, to which the concurrence of both Houses

may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by a majority of the members elected to each House of the General Assembly.

ART. 21. There shall be a Secretary of State, who shall hold his office during the term for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them; he shall, when required, lay the said register, and all papers, minutes and vouchers, relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 22. There shall be a Treasurer of the State and an Auditor of Public Accounts, who shall hold their respective offices during the term of four years. At the first election under this the Treasurer shall be elected for two years.

ART. 23. The Secretary of State, Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State; and in case of any vacancy caused by the resignation, death or absence of the Secretary, Treasurer or Auditor, the Governor shall order an election to fill said vacancy.

ART. 24. The Treasurer and the Auditor shall receive a shalary of five thousand dollars per annum each. The Secretary of State shall receive a salary of three thousand dollars per annum.

ART. 25. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, signed by the Governor and countersigned by the Secretary of State.

W. L. McMILLAN, Chairman;  
SIMEON BELDEN,  
JOHN B. VANDERGRIFF,  
D. H. REESE,  
CURTIS POLLARD,  
E. BONNOFOL,  
GEORGE Y. KELSO,  
JAMES H. LANDERS.

Mr. Crane, of Orleans, moved to print 300 copies thereof. Adopted.

Committee on General Provisions—Report progress, and hope to present a final report on Monday or Tuesday next.

Committee on Ordinance and Schedule—Reported progress.

Committee on Enrollment—Reported no progress.

Committee on Printing—Submitted the following report:

Mr. Blackburn, for the Committee on Printing, submitted a report which was afterward withdrawn in order that a general report might be made on Monday.

#### C O M M I T T E E O N F I N A N C E .

Mr. Fuller, chairman, submitted the following report :

To the President and members of the Constitutional Convention of the State of Louisiana:

Your Committee on Finance beg leave to submit the following report :

*SECTION 1. Be it ordained by the Constitutional Convention of the State of Louisiana,* To pay the delegates and officers of this Convention, and to defray all other expenses necessary for the use of said Convention, the following tax is hereby levied upon the property of this State, both real and personal, viz: a tax of one mill per cent.

*SEC. 2. Be it further ordained,* That the sheriffs of the State, except the parish of Orleans, shall collect the above mentioned tax, and that they refer to the assessment rolls made by the State of Louisiana for the year eighteen hundred and sixty-seven (1867) as the basis for assessing the tax herein levied on real and movable property; and in order to facilitate them in the collection of said tax, they are hereby authorized to employ all summary remedies now given by law for the collection of State taxes, and shall receive for their services the same compensation paid them by the State for like services.

*SEC. 3. Be it further ordained,* That the tax herein levied, and which shall be due by the parish of Orleans, shall be collected by the persons now charged with the collection of State taxes in said parish, and they shall possess the same powers and receive the same compensation.

*SEC. 4. Be it further ordained,* That the Sheriff or other persons charged with the collection of the tax levied by this ordinance, shall pay to the Treasurer of the State at the end of every month, all sums collected by them under this ordinance, and shall settle finally with the Treasurer on the first day of April, eighteen hundred and sixty-eight (1868.) But in no case shall the State Treasurer give a receipt for either a partial or final settlement, without requiring the Sheriff or other collector to take and subscribe an oath that he has paid all the money collected by him to date of settlement, less his commission.

*SEC. 5. Be it further ordained,* That so much of the tax levied as may be required to pay the delegates and officers of this Convention, and to defray all other ex-

penses necessary for the use of said Convention shall be paid by the State Treasurer upon warrants signed by the President and countersigned by the Secretary of this Convention. The balance of the tax levied shall be placed by the State Treasurer to the credit of the general fund and reserved until the meeting of the General Assembly elected under the provisions of the Constitution adopted by this Convention, to be used as they may direct.

*Sec. 6 Be it further ordained,* That the tax levied by this ordinance shall be paid only in the legal currency of the United States.

HENRY W. FULLER,  
Chairman Committee on Finance,  
JOHN S. HARRIS,  
J. G. DRINKARD,  
JOHN L. BARRETT,  
W. L. McMILLAN,

Mr. Crane, of Orleans, moved to print 200 copies. Carried.

Committee on Public Education reported progress, and hopes to present a full report by Monday.

Committee on Internal Improvements submitted the following:

REPORT OF THE COMMITTEE ON INTERNAL IMPROVEMENTS TO PROVIDE A BOARD OF PUBLIC WORKS.

ARTICLE I. There shall be a Board of Public Works to consist of three Commissioners.

The State shall be divided by the Legislature into three districts, containing, as nearly as may be, an equal number of voters, and one Commissioner shall be appointed by the Governor, by and with the consent of the Senate, in each district, who shall be a resident owner of real estate in the district.

The Commissioners, so appointed, shall hold office for the term of three years; but of the first appointed, one to be designated by lot, shall hold office for one year only, and one for two years only.

ART. II. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the compensation of the Commissioners and all officers employed on the Public Works and for the organization of the Board.

The Commissioners first appointed shall assemble at a day and place to be appointed by law and decide by lot the order in which their term of office shall expire.

ART. III. The Commissioners shall exercise a diligent and faithful supervision of all public works, in which the State may

be interested, except those made by joint stock companies.

They shall communicate to the General Assembly, from time to time, their views regarding the same, and recommend such measures as they may deem necessary in order to employ to the best advantage, and for the purpose for which they were granted, the swamp and overflowed lands conveyed to this State by the United States.

They shall appoint all officers employed on the public works, and perform such other duties as may be prescribed by law.

ART. IV. The Commissioners and such of the officers employed on the public works as may be determined by the General Assembly, shall give such bond for the faithful performance of their duties as shall be prescribed by law.

ART. V. The commissioners may be removed by a concurrent vote of a majority of the members elected to each House of the General Assembly, and the cause of such removal shall be entered on the journal of each House.

ART. VI. The General Assembly shall have power, by a vote of three fourths of the members elected to each House, to abolish said Board when in their opinion a Board of Public Works shall no longer be necessary.

H. R. STEELE, Chairman;  
JOHN LYNCH,  
THOS. P. HARRISON,  
F. MARIE,  
J. C. OLIVER,  
F. RIARD.

And the chairman, Mr. Steele, moved to print 500 copies.

Mr. Crane, of Orleans, moved to amend by printing 200 copies. Adopted.

Committee on Contingent Expenses—Report progress.

Committee on Draft of Constitution—Report no progress.

Mr. Vandergriff, of St. Martin, chairman of the Committee to wait on General Hancock, made a verbal report.

Mr. Lynch, of the Committee to wait upon General Mower, in the absence of the chairman, reported, that General Mower would visit the Convention to-day.

#### ORDERS OF THE DAY.

The resolutions of Mr. Wickliffe, as follows, came up under the orders :

WHEREAS. It has been charged by the enemies of the colored race in the State of Louisiana that it is the design of the colored race to get control of this State, and destroy

the white race therein, and Africanize the State; and

WHEREAS, It is boldly asserted by the enemies of the colored race that they are leagued together by secret organizations, and are armed and equipped for the purpose of carrying out this terrible plan ; and

WHEREAS, Petitions are now being circulated in this State for the purpose of receiving subscriptions of names of prominent citizens to these petitions in order that they may be forwarded to the President of the United States, to induce him to take action so as to prevent this pretended outrage ; and

WHEREAS, This whole effort is but a plot to justify the President in attempting the accomplishment of such measures as will inevitably lead to a disruption of this government, and thus inaugurate a second, and as these vile schemers hope, successful rebellion against the government of the United States ; and

WHEREAS, If this dangerous scheme be perfected, it will result not only in the ultimate destruction of this Government, but in the reduction of this newly enfranchised race, again to the chains of slavery, with all its concomitants, injustice, oppression, and horrors; therefore,

*Resolved*, That the members of this Convention, as the legal representatives of this long abused and outrageously slandered people, do solemnly enter our protest against this vile slander on the great body of our constituents; and being fresh from these people, and thoroughly conversant with their wishes, desires, and intentions, solemnly and earnestly deny the truth of all such charges, and declare to the world that there is not one word of truth in them.

*Resolved*, That, as loyal citizens of the United States, we denounce the action of these political schemers against the Government of the United States, and against the rights of man, and warn the President, Congress, and the people of the United States of the foul plot and dangerous schemes of these men,

*Resolved*, That we denounce all men who give credence to this unfounded slander and assist in circulating the same.

*Resolved*, That we earnestly petition Congress to appoint a committee to investigate all such charges, and thus disabuse the minds of the friends of the long and still abused race throughout the Union.

*Resolved*, That the Secretary be required to furnish a copy of these resolutions, and mail the same immediately to the President, the Speaker of the House of Representatives and President of the Senate.

Lies over.

The report of the Committee on Militia was called up.

Mr. Ludeling, of Ouachita, rose to a point of order:

That under the rules the report should lie over two days.

And it was so ruled by the chair.

General Mower was introduced to the Convention by the President, and a recess of fifteen minutes was taken.

At the expiration of which, the Convention was called to order, and a quorum being present, proceeded to the consideration of the report of the Finance Committee, and the ordinance of Mr. Blackburn, of Claiborne, in relation to finance.

Mr. Smith, of Orleans was called to the chair.

Mr. Crane, of Orleans, moved to refer both report and resolution to a committee of the whole.

Mr. Newsham, of West Feliciana, moved that the Committee of the Whole be discharged.

Adopted.

Mr. Newsham, of West Feliciana, offered as a substitute for the 4th section of the resolution of Mr. Blackburn, the following:

*SEC. 4. Be it further declared and ordained,* That said bonds shall be in amounts of twenty-five, fifty, one hundred, five hundred, and thousand dollars, with interest of eight per cent. per annum; they shall be receivable any date after issue, with interest calculated and allowed up to date of receipt, by the Sheriffs, tax collectors, and State Treasurer for all State taxes or other public dues, as well as for the sale of public lands.

Which was accepted by the mover.

Mr. Newsham offered the following amendment:

*SEC. 8. Be it further declared and ordained,* That said bonds shall be ready for issue in six days from the date of the passage of this ordinance.

Mr. Wickliffe having the floor, on motion, the Convention adjourned at 4 o'clock, until Monday at 12 o'clock m., with the understanding that Mr. Wickliffe should have the floor.

A true copy:

WM. VIGERS, Secretary.

### THIRTEENTH DAY.

NEW ORLEANS, Monday, Dec. 9, 1867.

The Convention was called to order at 12 o'clock m.

President Taliaferro in the chair.

The Secretary proceeded to call the roll and, the following delegates answered to their names:

Messrs. Taliaferro, Antoine, Baker, Barrett, Belden, Beronneau, Blackburn, Blan- din, Bonseigneur, Bonnefoi, Brown, Bur- rell, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Des- londe, Donato, Douglass, Drinkard, Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Hemp- stead, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Lan- ders, Lange, Leroy, Lewis J. B., Lewis R., Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLeran, McMillan, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—91 members present.

Prayer by the Rev. Jos. Welch.

The journal of the preceding day was read and adopted.

Mr. Wickliffe, of Orleans, moved:

That a committee of five be appointed by the chair, to whom shall be referred the ordinance on finance, submitted by Hon. Jasper Blackburn, with instructions to confer with any parties who may propose to loan money on bonds to be issued by this Convention on the faith of the State, with instructions to report to this Convention at the earliest possible moment.

Which was adopted.

The President appointed the following gentlemen on the Committee:

Messrs. Fuller, G. M. Wickliffe, S. Jones, J. W. Blackburn, H. Bonseigneur.

Mr. Fuller requested to be excused and asked that J. S. Harris be substituted in his place.

Which was granted.

On motion of J. Crawford, of Caldwell, the Convention adjourned until 1 o'clock p. m. on Tuesday, December 10, 1867.

A true copy.

WM. VIGERS, Secretary.

## FOURTEENTH DAY.

NEW ORLEANS, Tuesday, Dec. 10, 1867.

The Convention met pursuant to adjournment.

President Taliaferro in the chair.

The roll was called and the following members answered to their names:

Messrs. Taliaferro, Antoine, Barret, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde P. G., Deslonde Jos., Donato, Douglass, Drinkard, Duparte Gustave, Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Heampstead, Hiestand, Ingraham, Isabelle R. H., Isabelle T., Jones, Kelso, Lange, Leroy, Lewis J. B., Lewis Richard, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLellan, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—91 members present.

The minutes were read and adopted.

Prayer by Rev. Thos. Conway.

## ORIGINAL RESOLUTIONS.

By Mr. Reagan, of East Baton Rouge:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to furnish any necessary article called for by the chairman of any committee or other member of the Convention.

Lies over under the rules.

Mr. Deslonde, of Iberville, moved that the Secretary shall supply the members of the Convention with postage stamps until their *per diem* is paid.

Mr. Packard, of Orleans, right bank, moved to amend by adding "cigars."

Mr. Smith, of Orleans, moved to lay on the table. Adopted.

By Mr. Martin, of Jefferson:

*Resolved*, That the Legislature shall pass such laws as may be necessary to punish all employees or citizens, without regard to race, color or previous condition, who may by threats, violence, or intimidations attempt to prevent any citizen or citizens as aforesaid from exercising their rights and privileges as voters or attending public meetings of any description whatever, or interfering with the rights and privileges of any citizen or citizens of the State.

Referred to Committee on Judiciary.

By Mr. Cromwell, of Orleans :

*Resolved*, That the State of Louisiana shall never assume nor pay any debt or obligation contracted or incurred in aid of the rebellion; nor shall this State ever in any manner claim from the United States or make any allowance or compensation for slaves emancipated or liberated in any way whatever.

Lies over.

By Mr. Martin, of Jefferson :

*Resolved*, That the Legislature shall, at its first session, pass such laws that all planters and farmers in the State of Louisiana shall be subject and liable to take out a license or pay any duties or taxes as retail merchants for any article of clothing or other merchandise which they may buy and sell to their employees on their plantations or farms. And they shall be subject or liable in any manner as retail merchants for such traffic with said employee or employees. Such act shall take effect from and after its passage.

Referred to the Committee on Legislative Department.

By Mr. Jones, of Orleans :

*Resolved*, That sales that have been or may be made by collectors of taxes shall be received by courts in evidence as *prima facie* valid sales.

Referred to Committee on General Provisions.

Mr. Harper of St. Charles and St. John Baptist, moved that hereafter the Secretary shall read by title only all bills or resolutions that are to be referred to the consideration of a committee, thereby saving time to the Convention. Laid over under the rules.

Mr. Crane, of Orleans, moved that all reports of the committees of the Convention, except that of the committee on Bill of Rights, be referred to the committee on Draft of the Constitution; that committee to report them back in committee of the whole, to be discussed section by section.

Mr. Crawford, of Caldwell, moved to amend by inserting the report of the Committee on Bill of Rights also.

Which was accepted and the motion adopted.

## REPORTS OF STANDING COMMITTEES.

The Executive Committee reported progress.

The Committee on General Provisions reported progress.

The Committee on Enrollment, Mr. Vandergriff, chairman, submitted a report, naming M. A. Gury as clerk of the committee. Which, after several objections, was withdrawn.

The Committee on Printing submitted the following report:

**REPORT OF THE COMMITTEE ON PRINTING.**

The Committee on Printing, after carefully examining and comparing former rates and contracts for such works, respectfully ask leave to recommend the following rates of compensation to be allowed the Official Printer of the Convention, viz:

For the first one thousand copies of the Journal of the Convention in book form, printed in bourgeois type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, five dollars will be allowed for each page; and for every one thousand copies after the first one thousand, three dollars per page; and in the same proportion for fractions of one thousand copies.

For all documents, reports, or other matter, other than the Journal of the Convention, printed in book or pamphlet form, composed in bourgeois, the pages to be of the same length and breadth as the journal, five dollars per page for the first two hundred copies, and for every additional two hundred copies, three dollars per page.

For resolutions, memorials or reports of committees printed on foolscap, or similar sized paper, composed in bourgeois type, thirty-six *ems* wide and ninety-five lines in length, for the first two hundred copies, eight dollars per page, and for each additional hundred copies, four dollars per page.

For all matter marked "official" and published in the official journal, one dollar per square of the space of ten agate lines, for the first insertion, and fifty cents for each subsequent insertion.

Your Committee would suggest that the estimate is in the main, at lower rates than have heretofore been allowed for similar work, while the price of composition and the cost of printing material generally is now much higher.

Your Committee would, therefore, most respectfully ask that these rates be allowed and that the number of the journal ordered in pamphlet form be twenty-five hundred copies.

Your Committee would also report on the resolutions offered by the honorable member from East Baton Rouge, and the various amendments offered by other

members relative to publishing in other loyal papers the report of the proceedings of the Convention, as follows:

That the official proceedings of this Convention be published in the following named newspapers: The N. O. Republican, Homer Iliad, the Louisiana Intelligencer, the St. Landry Progress, the German Gazette and the Iberville Pioneer, to be paid the rates allowed the Official Printer, at which rates your committee has calculated the aggregate sum will be but comparatively small, when considered in connection with the public utility which may result from this just distribution of patronage.

The adoption by the Convention of this recommendation is of great importance in acquainting the people of the whole State with the acts of their public servants, and will tend materially in aiding the cause of reconstruction of a loyal government in this State, founded on principles of true republicanism. With these objects in view, and considering the eminent justice of the measure, your committee offer the following resolutions for adoption:

*Resolved*, That the following rates of compensation be allowed the Official Printer of this Convention, viz: For the first 1000 copies of the Journal of the Convention in book form, printed in bourgeois type, the pages to be folded and stitched in the ordinary style, five dollars, and for every 1000 copies, after the first 1000 copies, three dollars per page, and in the same proportion for fractions of 1000 copies.

For all documents, reports or other matter, other than the journal of the Convention, printed in book or pamphlet form, composed in bourgeois, the pages to be of the same length and breadth as the journal, five dollars per page for the first 200 copies, and for every additional 200 copies three dollars per page.

For resolutions, memorials or reports of committees printed on foolscap, or similar sized paper, composed in bourgeois type, thirty-six *ems* wide and ninety-five lines in length, for the first 200 copies, \$8 per page, and for each additional 100 copies \$4 per page.

For all matter marked "official" and published in the official journals, \$1 per square of the space of ten agate lines for the first insertion, and fifty cents for each subsequent insertion.

*Resolved*, That the number of the journal ordered in pamphlet form be 2500 copies.

*Resolved*, That the official proceedings be published in the following additional newspapers, viz ; The N. O. Republican, the Homer Iliad, the Louisiana Intelligencer the St. Landry Progress, the N. O. German Gazette and the Iberville Pioneer, to be

paid at the same rates as the Official Printer.

On motion it was resolved that 100 copies of the report be printed.

Contingent Expenses—Progress.

Draft on Constitution—No progress.

Ordinance and Schedule—Progress.

The Committee on Judiciary, through its chairman, Mr. Ludeling, submitted a report, and 200 copies were ordered to be printed.

Mr. McMillan called the attention of the Convention to a material error in the report of the committee on the Executive Department. In the section defining the qualifications of the Governor the committee had reported 25 years; the printer has it 35 years.

#### SPECIAL COMMITTEE.

The committee appointed, on motion of Mr. Wickliffe, to confer with certain parties on the subject of bonds, reported through Mr. Harris, chairman, as follows:

Mr. Harris, of the special committee on Mr. Wickliffe's resolution of yesterday, submitted the following:

#### REPORT OF SPECIAL COMMITTEE.

To the President and Members of the Constitutional Convention of the State of Louisiana:

Your committee, to whom was referred the resolution of Mr. Wickliffe, submit the following report:

Your committee having conferred with parties who propose to loan money to defray the expenses of this Convention on bonds issued by this Convention in pursuance of the ordinance introduced by Mr. Blackburn, at the rate of thirty-five per cent. discount, the bonds to be issued to the amount of three or five hundred thousand dollars, payable in two years, bearing eight per cent. interest.

JOHN S. HARRIS, Chairman.

SIMON JONES,

HENRY BONSEIGNEUR,

G. M. WICKLIFFE,

W. JASPER BLACKBURN.

Mr. Newsham, of West Feliciana, moved to adopt the report.

Mr. Cooley, of Point Coupee, moved to lay the motion to adopt on the table, and called for the ayes and nays, which were ordered.

The roll was called and the motion to table was lost—ayes, 30; nays, 54—as follows:

Yeas: Messrs. Barret, Bertonneau, Brown, Butler, Cooley, Crane, Crawford,

Dearing, Depasseau, P. G. Deslonde, Douglass, Duparte, Fuller, Ferguson, Gould, Harrison, R. H. Isabelle, Thomas Isabelle, Kelso, Ludeling, Lynch, McMillan, Mushaway, Myers, Packard, Riggs, Rodriguez, Steele, Vandergriff, Waples—30. Nays: Messrs. Antoine, Baker, Belden, Blackburn, Blandin, Bonseigneur, Bonnefoi, Burrel, Cromwell, Cuney, Donato, Drinkard, Dupart, Duplessis, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Hempstead, Ingraham, Jackson, Jones, Lange, Leroy, J. B. Lewis, Richard Lewis, Marie, Martin, Massicot, Meadows, McLeran, Moses, Murrel, Newsham, Oliver, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Roberts, Schwab, Smith, Snaer, Scott, Snider, Valfroit, Wickliffe, Williams, Wilson—54.

Mr. Crawford, of Caldwell, moved to adjourn. Lost.

Mr. Smith, of Orleans, at 4½ o'clock P. M., moved to adjourn till to-morrow at 10 A. M. On a division the vote stood ayes 39, nays 39, and the chair by casting vote decided the motion affirmatively.

The Convention then adjourned till 10 o'clock A. M., Wednesday, December 11, 1867.

A true copy:

WM. VIGERS, Secretary.

#### FIFTEENTH DAY.

NEW ORLEANS, Wednesday, Dec. 11, 1867.

At 10 o'clock A. M. the Convention was called to order.

President Taliaferro in the chair.

The roll was called and the following delegates answered to their names:

Messrs. Taliaferro, Antoine, Baker, Barret, Belden, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Douglass, Drinkard, Duparte, Dupart, Duplessis, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Hempstead, Ingraham, Isabelle, R. H., Jones, Kelso, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Scott, Snider, Steele, Thibaut, Twitchel, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—75 members present.

The journal of the preceding day was read and adopted.

## ORIGINAL RESOLUTIONS.

By Mr. Cromwell, of Orleans :

*Resolved*, That the migration or importation of Chinese are prohibited within this State.

Referred to Committee on General Provisions.

## REPORT OF COMMITTEES.

Committee on Legislative—Report progress.

Committee on General Provisions—Report progress.

Committee on Ordinance and Schedule—Report progress.

Committee on Enrollment—No progress.

Committee on Draft of the Constitution—No progress.

Committee on Contingent Expenses—Report progress.

## UNFINISHED BUSINESS.

The special committee to confer with certain parties as to the negotiation of bonds reported as follows :

## REPORT OF THE SPECIAL COMMITTEE.

To the President and Members of the Constitutional Convention of the State of Louisiana:

Your committee to whom was referred the resolution of Mr. Wickliffe, of Orleans, submit the following report :

Your committee have conferred with parties who propose to loan money to defray the expenses of this Convention, in pursuance of the ordinance introduced by Mr. Blackburn, of Claiborne parish, at the rate of thirty-five per cent. discount.

The bonds to be issued to the amount of \$300,000 or \$500,000, payable in two years, bearing eight per cent. interest.

Mr. Smith, of Orleans, moved to adopt the report and called for the previous question.

Mr. Blandin, of Orleans, called for the ayes and nays.

Mr. Cooley, of Point Coupee, submitted the following amendment:

*Resolved*, That the report of the committee be recommitted, with instructions that the committee shall report back the name or names of the party or parties with whom this proposed loan is to be effected.

The demand for the previous question was sustained.

The chair stated the question to be upon the amendment of Mr. Cooley, of Point Coupee.

Mr. Wickliffe, of Orleans, appealed from the decision of the chair, upon the ground

that the member from Point Coupee did not have the floor when he presented his amendment, and the question "shall the chair be sustained" being put to the Convention it was decided in the negative.

The chair then stated the question to be upon the adoption of the report.

Mr. Pinchback, of Orleans, rose to the point of order, that the report of the committee had not been received, and was not properly before the Convention.

Mr. Ludeling, of Ouachita, moved to adjourn. Lost.

The question was put upon the adoption of the report.

The Secretary proceeded to call the roll, with the following result:

Ayes 53, nays 36.

Yea: Messrs. Antoine, Baker, Belden, Blackburn, Blandin, Bonseigneur, Burrel, Cromwell, Demarest, P.G. Deslonde, Donato, Drinkard, Dupart, Duplessis, Esnard, Francois, Gair, Gardiner, Harper, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Jackson, Jones, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Massicot, Meadows, McLeran, Morris, Moses, Murel, Newsham, Oliver, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Smith, Snaer, Scott, Snider, Tinchant, Twitchell, Valfroit, Wickliffe, Wilson—53.

Nay: Messrs. Barret, Berthonneau, Bonnefoi, Butler, Cooley, Crane, Crawford, Depasseau, Douglass, Duparte, Fuller, Ferguson, Gould, Guichard, Harrison, Thomas Isabelle, Kelso, Ludeling, Lynch, Martin, McMillan, Mushaway, Myers, Packard, Riard, Riggs, Roberts, Rodriguez, Schwab, Steele, Thibaut, Vandergiff, Vidal, Waples, Williams—36.

And the report was adopted.

Mr. Newsham, of West Feliciana, moved to adopt the ordinance submitted by Mr. Blackburn, of Claiborne, and moved the previous question.

Mr. Cooley, of Point Coupee, rose to the point of order that under the rules the ordinance must be printed and lie over two days, and moved its reference to the Finance Committee.

Mr. Ingraham, of Caddo, moved that the Convention take a recess of half an hour to afford time to the special committee to report on the ordinance of Mr. Blackburn, of Claiborne, which had been referred to them. Adopted.

At the expiration of the recess, a quorum being present, the Convention was called to order and the special committee, through Mr. Wickliffe, submitted the following report :

To the President and Members of the Constitutional Convention :

The undersigned, members of the special committee to whom was referred the ordinance on finance submitted by the member from Claiborne, with instructions to confer with parties proposing to loan money to the Convention, and report, respectfully ask permission to make the following majority report as a more detailed report than the one already submitted.

The committee, therefore, report that they met the parties referred to, who submitted the following proposition:

1. They propose to take the bonds to be issued by the Convention for either \$300,000 or \$500,000.

2. They propose to give us sixty-five cents on the dollar for the bonds to be issued under Mr. Blackburn's ordinance.

3. They propose to deposit \$25,000 cash in greenbacks in the State treasury within seven days from the passage of said ordinance by this Convention.

4. They propose to forfeit this amount if they fail in their part of the contract, which will be deposited before a single bond is issued.

5. They propose to deposit in the State treasury \$20,000 within every ten days after the issuance of the bonds, and further guarantee that the Convention shall always have funds enough at its disposal to cash all its warrants.

Your committee therefore respectfully submit this more extended report, and advise the adoption of the ordinance of Mr. Blackburn, modified to the amount of \$300,000, and amended by the substitute of the member from West Feliciana, for the fourth section of said ordinance, and that the propositions herewith submitted be accepted by this Convention, with the understanding that no bonds are to be delivered until the money is paid.

G. M. WICKLIFFE,  
SIMON JONES,  
W. JASPER BLACKBURN,  
HENRY BONSEIGNEUR.

I would most respectfully dissent from the above report. JOHN HARRIS.

Mr. Wickliffe, of Orleans, moved to adopt the majority report.

Mr. Ludeling, of Ouachita, called for the ayes and nays.

The chair stated the question to be upon

the adoption of the report of the committee.

Mr. Waples, of Orleans, rose to the point of order that the report should be printed.

Mr. Ingraham, of Caddo, rose to the point of order that the rules had been suspended.

Mr. Waples, of Orleans, rose to the point of order that the rules were only suspended as to the motion pending at the time of suspension, and were not now suspended.

The chair decided that under the rule the report must lie over.

Mr. Wickliffe, of Orleans, appealed from the decision of the chair, and upon a vote of the Convention the chair was not sustained.

The question was now stated by the chair to be upon the adoption of the report.

Mr. Waples, of Orleans, moved to lay the report on the table, and called for the ayes and nays, which were ordered, and the motion to table was lost—ayes 33, nays 55—as follows:

Yea : Messrs. Barret, Beronneau, Bonnefoi, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, Donato, Douglass, Duparte, Fuller, Furguson, Guichard, Harris, Harrison, Thos. Isabele, Kelso, Ludeling, Lynch, McLeran, McMillan, Mushaway, Myers, Packard, D. D. Riggs, Roberts, Rodriguez, Steele, Thibaut, Vandergriff and Waples—33.

Nay : Messrs. Antoine, Baker, Belden, Blackburn, Blandin, Bonseigneur, Brown, Burrel, Cromwell, Cuney, Demarest, Deslonde P. G., Dupart, Duplessis, Francois, Gair, Gardiner, Gould, Harper, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Jackson, Jones, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Massicot, Meadows, Morris, Moses, Murrel, Newsham, Oliver, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Schwab, Smith, Snaer, Scott, Snider, Tinchant, Twitchell, Valfroit, Wickliffe, Williams and Wilson—55.

Mr. Waples, of Orleans, called for a division of the question.

The chair decided that the question upon the adoption of the report was not susceptible of division.

Mr. Cooley, of Point Coupee, moved to adjourn till to-morrow at 12 o'clock. Lost.

The previous question was demanded by a majority of the Convention and the ayes and nays were ordered.

The chair stated the question to be upon

motion of Mr. Wickliffe to adopt the report of the committee.

The roll was called and the motion was voted—ayes 50, nays 32—as follows:

Ayes : Messrs. Antoine, Baker, Belden, Blackburn, Blandin, Bonseigneur, Burrel, Cromwell, Dupart, Duplessis, Francois, Gair, Gardiner, Harper, Hempstead, Hiesstand, Ingraham, R. H. Isabelle, Jones, Linge, Leroy, J. B. Lewis, Richard, Lewis, Marie, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Newsham, Oliver, Pearce, Pinchback, Poindexter, Pollard, Reagan, Riard, Schwab, Smith, Snaer, Scott, Snider, Tinchant, Twitchell, Alfroft, Wickliffe, Williams and Wilson—

Nays : Messrs. Barret, Berthonneau, Bonfou, Brown, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, P. G. Deslade, Douglass, Duparte, Fuller, Ferguson, Gould, Guichard, Harris, Harrison, Thomas Isabelle, Kelso, Ludeling, Lynch, Millan, Mushaway, Myers, Packard, Zeggs, Rodriguez, Steele, Vandergriff and Waples—32.

The Convention adjourned till to-morrow at 11 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

#### SIXTEENTH DAY.

NEW ORLEANS, Thursday, Dec. 12, 1867.  
At 11 o'clock the Convention met pursuant to adjournment.

President Taliaferro in the chair.

The roll was called and the following delegates answered to their names:

Messrs. Taliaferro, Baker, Barret, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde P. G., Douglass, U. Dupart, Duplessis, Francois, Gair, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Hemstead, Hiesstand, Ingraham, Isabelle R. H., Thomas Jones, Kelso, Landers, Linge, Leroy, Richard Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchbeck, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Alfroft, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson — 83 members present.

The Convention was opened with prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By M. Roberts, of Jefferson :

*Be it resolved by the people of Louisiana in Convention assembled,* 1. That no tax, duty or import shall be levied, nor shall any appropriation of money be made by the people of the State of Louisiana for the purpose of paying either in whole or in part any debt, contract, or liability whatsoever incurred, made, or suffered by any of the people of this State for the purpose of aiding or abetting rebellion against the Constitution and laws of the United States.

2. No evidence of debt based upon the purchase or sale of slaves made or contracted for by any person or persons in this or any of the States engaged in rebellion against the Government of the United States shall be entertained, either for or against this State, and all judgments and decrees of any of the courts of this State shall be null and void.

Referred to the Committee on the Legislative Department.

By Mr. Schwab, of Jefferson :

1. *Resolved*, That all notes or other evidences of debt, of whatsoever nature they may be, outstanding and unpaid, given for or in consideration of Confederate money or bonds, contracted within the limits of the so-called Confederate States, where currency was not and by law forbidden to be in circulation, are declared to be null and void, and setting aside all judgments, seizures, or other degrees whatsoever taken in any court in the State of Louisiana, and they shall be stopped one day after the passage of this bill in this Convention, excepting contracts for furnishing the poor the necessaries of life during the time of need ; for such debts only the State should be held liable when proven.

2. The above act shall be in full force ; also in reference to a debt for slaves, whenever, wherever, or of whatsoever nature they were bought, whether mortgages, notes, or other evidences they were given upon, should be also null and void, and treated as prescribed above.

3. This act shall have no effect upon debts or property or notes already paid or settled for.

4. The Legislature shall pass no act to reimburse any individual, loyal or disloyal to this State or the United States Government, for slaves freed by the Act of Emancipation.

Referred to the Committee on Legislative Department.

REPORTS OF STANDING COMMITTEES.

Committee on Legislative Department—Progress.

Committee on General Provisions—No progress.

Committee on Ordinance and Schedule—Progress.

Committee on Enrollment—No progress.

PUBLIC EDUCATION.

Mr. Lynch, chairman, submitted a minority report as follows:

The undersigned, a minority of the standing Committee on Education, respectfully ask leave to submit the following report:

1. The General Assembly shall by suitable legislation make provision for the education of all the youth in the State between the ages of six and eighteen years.

2. The proceeds of all lands heretofore granted by the United States for the use and support of public schools, and of all lands or other property which may hereafter be bequeathed for that purpose, and of all lands which may be granted or bequeathed to the State and not granted or bequeathed expressly for any other purpose which may hereafter be disposed of by the State, and the proceeds of all estates of deceased persons to which the State may be entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund on which the State shall pay an annual interest of six per cent., which interest with the interest of the trust funds deposited with this State by the United States, under act of Congress approved June 23, 1836, and the rents of unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

3. The Legislature may establish, and by appropriate legislation, make provision for a university to consist of six faculties, as follows: one of law, one of medicine, one of letters, one of natural science, one of industrial science, and one on the theory and practice of teaching.

4. All monies arising from sales which have been made, or which may hereafter be made, of any lands heretofore granted by the United States to this State for the use of a specific seminary of learning, or from any kind of donation which hereafter may be made for that purpose, shall be and remain a perpetual fund, the interest of which, at six per cent. per annum, shall be appropriated to the promotion of literature and the arts and sciences, and no law shall ever be made diverting said fund to any other purpose or use than to the establish-

ment and improvement of said seminary learning. The Legislature may make provisions for the organization and support said seminary in such manner as it may deem proper.

5. The Governor by and with the advice and consent of the Senate shall appoint Superintendent of Public Education, who shall hold his office four years. His duties shall be described by law, and he shall receive a salary of five thousand dollars, unless otherwise provided by law: *Provided*, That the General Assembly shall have power by a vote of two thirds of the members elected to each House, to abolish the office of Superintendent of Public Education whenever, in their opinion, said office shall be no longer necessary.

6. The exercises of the public schools in the State shall be conducted in the English language.

7. No appropriation shall be made by the Legislature for the support of any private school or institution of learning whatever.

8. Institutions for the support and education of the insane, the blind, and the deaf and dumb shall always be fostered and supported by the State, and be subject to such regulations as may be prescribed by law.

JOHN LYNCH,

JOHN L. BARRET,

G. SNIDER,

PETER HARPER.

Mr. Blandin, of Orleans, submitted the following report of the majority:

To the President and members of the Constitutional Convention:

The undersigned, members of the Committee on Education, have the honor to submit the following report:

ARTICLE 1. The Legislature shall establish free public schools throughout the State, and shall provide for their support by taxation or otherwise. All children of the State, between the ages of six (6) and eighteen (18) years, shall be admitted to the public schools in common, without distinction of race, color, or previous condition. There shall be no separate schools established for any exclusive race by the State of Louisiana.

ART. 2. No municipal corporation shall make any rules or regulations contrary to the spirit and intention of this article.

ART. 3. There shall be elected by the people of this State a Superintendent of Public Education, who shall hold his office for four (4) years. His duties shall be prescribed, and his salary shall be four thousand dollars per year, payable quarterly.

ART. 4. The Superintendent of Public Education shall have the supervision and the general control of all public schools throughout the State.

ART. 5. The general exercises in the public schools shall be conducted in the English language.

ART. 6. The proceeds of the lands heretofore, and that which may hereafter be granted by the United States to this State for the use purpose of the public schools of the State, all the proceeds of the estates of deceased sons to which the State may become entitled by law, shall be and remain a perpetual fund on which the State shall pay an annual interest of (6) six per cent., which interest together with the interest of the said fund deposited with the State by the United States under the act of Congress approved June 23, 1833, and all the rents of unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 7. All monies accruing from the rents which have been or may be hereafter made of any lands heretofore granted by the United States to this State for the use of any institution of learning whatever, or from any kind of donation for the purpose of establishing school, or schools, or any institution of learning whatever, shall be and remain a perpetual fund, the interest which, at six (6) per cent. per annum, all be appropriated to the exclusive benefit of the said school or schools or institution of learning; and no law shall be made diverting said funds to any other use than the establishment and benefit of said institution of learning. The Legislature shall have power to raise funds for the organization and support of said institution in such manner as it may deem best.

ART. 8. No appropriation shall be made by the Legislature for the support of any private school or any private institution of learning whatever.

ART. 9. A university shall be established and maintained in the city of New Orleans, shall be composed of five faculties, to wit: one of law, one of medicine, one of natural sciences, one of letters and one of industrial science. The Legislature shall provide by law for its organization and maintenance: Provided, That all departments of this institution of learning shall be open in common to all students capable of matriculating, without distinction of race, color or previous condition. No rules or regulations shall be made by the trustees, faculties, or other officers of said institution of learning, nor shall any laws be made by the Legislature violating the letter or spirit of this article, under penalty of the annulling of the charter of said institution.

ART. 10. All colleges, seminaries, academies, schools and institutions of learning of what nature soever, whether literary,

legal, medical, military, or individual, authorized by the Legislature, and under the control of this State, shall be open in common to all classes of students, without distinction of race, color, or previous condition.

ART. 11. The Legislature shall provide for the establishment of a State normal school for the professional education of teachers, without distinction of race, color, or previous condition.

ART. —. Institutions for the support and education of the insane, blind, deaf and dumb shall always be fostered and supported by the State, and be subjected to such regulations as may be presented by the General Assembly.

O. C. BLANDIN,  
H. BONSEIGNEUR,  
P. G. DESLONDE,  
A. J. DEMAREST,  
WILLIAM BUTLER,  
D. DOUGLASS,  
DENNIS BURREL.

On motion of Mr. Crawford, of Caldwell, 200 copies of both reports were ordered to be printed.

Committee on Draft of the Constitution—  
No progress.

The select committee which was appointed to wait upon General Hancock to tender to him the invitation of the Convention reported through Mr. Vandergriff, chairman, that they have performed the duty assigned to them, and submitted the following communication from General Hancock:

HEADQ'RS, FIFTH MILITARY DISTRICT, }  
December 8, 1867. }  
Hon. J. G. Taliaferro, President Constitutional Convention:

SIR—I have the honor to acknowledge the receipt of your letter transmitting the resolution of the Convention of which you are President, adopted on the 6th instant, inviting myself and staff to visit you, and beg to thank that body for this courtesy.

Very respectfully,

Your obedient servant,  
WINFIELD S. HANCOCK,

Major General United States Army.

Mr. Smith moved that the letter be received and spread upon the minutes.

Carried.

#### UNFINISHED BUSINESS.

By Mr. Reagan, of East Baton Rouge:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to furnish any necessary article called for by the chairman of any committee or other members of this Convention.

On motion of Mr. Wickliffe it was laid on the table.

By Mr. Cromwell, of Orleans:

*Resolved*, That the State of Louisiana shall never assume or pay any debt or obligation contracted or incurred in aid of the rebellion. Nor shall this State ever in any manner claim from the United States or make any allowance or compensation for slaves emancipated or liberated in any way whatever.

On motion of Mr. Ludeling, of Ouachita, it was referred to Committee on General Provisions.

By Mr. Belden, of Orleans:

*Resolved*, That the *per diem* of the President of this Convention shall be double that of the other members thereof.

The President, Mr. Taliaferro, requested the Convention not to pass the resolution, and stated that he did not desire more pay than the other members.

Mr. Belden, of Orleans, stated that it was nothing more than the usual practice in all legislative bodies to make this complimentary distinction between the President and the other members.

Mr. Wickliffe, of Orleans, moved to adopt it.

And the resolution was adopted unanimously.

Mr. Jones, of Orleans, called up the following ordinance of Mr. Blackburn which had been recommended to the Convention in the report of the special committee adopted yesterday.

AN ORDINANCE to provide means to defray the expenses of the Constitutional Convention of the State of Louisiana, by the issue of bonds of the State for three hundred thousand dollars, (\$300,000) bearing interest of eight per cent. per annum, and to provide for the redemption of said bonds :

SECTION 1. We, the people of the State of Louisiana, in Convention assembled, in accordance with the act of the Congress of the United States of America, passed March the 23d, 1867, do declare and ordain, and it is hereby declared and ordained, that the president of the Convention be and he is hereby authorized and directed to issue bonds of this State to be signed by him and countersigned by the chairman of the Committee on Contingent Expenses, and to be sealed with the seal of the State, to the amount of three hundred thousand dollars,

payable in two years from date of issue with interest at the rate of eight per cent. per annum to be paid with the principal at the maturity of said bonds; and for the payment of these bonds and interest the faith of the state of Louisiana to be and hereby unconditionally pledged to the holders thereof.

SEC. 2. *Be it further declared and ordain* That for the payment of said bonds and interest the sum of one hundred and seven thousand dollars (170,000) shall be annually set apart as a special fund by the State Treasurer, from the first monies received in the State treasury, beginning with the day of January, Anno Domini, eighteen hundred and sixty-eight, and continuing until the final extinction by payment of said bonds and interest.

SEC. 3. *Be it further declared and ordain* That in order to provide for the extinction of said bonds and interest, the Auditor of the State is hereby directed to determine what rate of additional taxation on the total assessed value of all the taxable movable and immovable property of the State is necessary for the payment of said bonds and interest; and when ascertained, it shall be his duty, and he is hereby directed to notify the sheriffs and tax collectors of the State, the rate of the additional taxation as ascertained, and which additional tax is hereby fixed and declared lawful; and shall be levied upon all the taxable movable and immovable property of the State, that may have been assessed; and shall be the duty of the sheriffs and tax collectors, and who are hereby directed to collect said tax, and the collection of the same shall be enforced as the law provides or may hereafter provide for the collection of taxes.

SEC. 4. *Be it further declared and ordain* That said bonds shall be in amounts twenty-five, fifty, one hundred, five hundred, and thousand dollars with interest eight per cent. per annum; they shall be receivable any date after issue, with interest calculated and allowed up to date of receipt, by the sheriffs, tax collectors, a State Treasurer for all State taxes or other public dues, as well as for the sale of public lands.

SEC. 5. *Be it further declared and ordain* That the sum of six thousand dollars and the same is hereby appropriated from the proceeds of the sale of said bonds, pay the expenses of lithographing a printing said bonds.

SEC. 6. *Be it further declared and ordain* That the chairman of the Committee on Contingent Expenses be authorized and he is hereby empowered to appoint a person, who shall have said bonds lit-

rapped and printed, and negotiate the same on terms the most favorable to be obtained.

*Sec. 7. Be it further declared and ordained,* that the proceeds of the sale of said bonds shall be deposited in the State treasury, and so much as may be required to defray the expenses of this Convention shall be warranted upon the President of this Convention and countersigned by the chairman of the Committee on Contingent Expenses, and the State Treasurer shall pay the same; and the balance of the money so set shall be by the State Treasurer placed to the credit of the general fund and reserved until the meeting of the General Assembly elected under the provisions of the constitution of this Convention, to be used as they may direct.

Mr. Jones, of Orleans, moved to adopt the ordinance and demanded the previous question thereupon which was ordered by a majority of the Convention.

The ayes and nays were called for and decided by one fifth of the members present, and the Secretary proceeded to call the roll.

And the ordinance was adopted—ayes 55, nays 32—as follows :

Yea: Baker, Belden, Blackburn, Blain, Bonseigneur, Brown, Burrel, Cromwell, Cuney, Demarest, P. G. Deslonde, Donato, Dupart, Duplessis, Esnard, Francois, Gair, Gardiner, Harper, Hampstead, Hiestand, Ingraham, R. H. Isabelle, Jones, Jangle, Leroy, J. B. Lewis, R. Lewis, Marie, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Newsham, Oliver, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Schwab, Smith, Snaer, Scott, Snider, Tinchant, Twitchell, Valfroit, Wickliffe, Williams, Wilson—55.

Nays: Barret, Berthonneau, Bonnefoi, Butler, Cooley, Crane, Crawford, Depasseau, Douglass, Duparte, Ferguson, Gould, Guichard, Harris, Harrison, T. Isabelle, Kelsoanders, Ludeling, Lynch, Martin, McMilan, Mashaway, Myers, Packard, Riggs, Roberts, Rodriguez, Thibaut, Underwood, Vandergriff, Waples—32.

Mr. Cromwell, of Orleans, moved to reconsider.

Mr. Smith, of Orleans, moved to lay the motion to reconsider on the table. Adopted.

By Mr. Tinchant, of Orleans:

WHEREAS, By the acts of the United States Congress, known as Military Reconstruction acts, and by the acts supplementary thereto, this Convention is empowered

not only to make a Constitution, but to found a civil government; therefore, be it

*Resolved*, That this Convention shall immediately take prompt measures to form a civil government loyal to the United States, and so enacted as to have it thoroughly organized throughout the State previous to submitting the Constitution to the people for ratification.

Which lies over, and 200 copies were ordered to be printed.

By Mr. Smith, of Orleans:

WHEREAS, This Convention has now been in session sixteen days, and made little or no progress toward the framing of a Constitution; therefore, be it

*Resolved*, That the Constitution of 1864 be so amended as to secure the equal rights and privileges of all citizens, without regard to race, color, or previous condition, and that said Constitution so amended be accepted as the Constitution of the State of Louisiana by the Convention of 1867.

*Resolved further*, That on the adoption of said Constitution, this Convention shall adjourn subject only to the authority of Congress.

Lies over.

By Mr. Twitchell, of Bienville:

WHEREAS, It has repeatedly come to the ears of members of this Convention that portions of the public printing were being performed by presses of known antagonism to reconstruction, thereby defeating the intent of this Convention, to patronize only the loyal press; therefore, be it

*Resolved*, That the Committee on Printing be and are hereby instructed to investigate the truth or falsity of these rumors, and report to this Convention at an early day.

Referred to Committee on Printing.

Mr. Wickliffe, of Orleans, called up the following resolution:

WHEREAS, It has been charged by the enemies of the colored race in the State of Louisiana that it is the design of the colored race to get control of this State, and destroy the white race therein, and Africanize the State; and

WHEREAS, It is boldly asserted by the enemies of the colored race that they are leagued together by secret organizations, and are armed and equipped for the purpose of carrying out this terrible plan; and

WHEREAS, Petitions are now being circulated in this State for the purpose of receiving subscriptions of names of prominent citizens to these petitions in order that they may be forwarded to the President of the United States, to induce him to take

action so as to prevent this pretended outrage; and

WHEREAS, This whole effort is but a plot to justify the President in attempting the accomplishment of such measures as will inevitably lead to a disruption of this government, and thus inaugurate a second, and as these vile schemers hope, successful rebellion against the government of the United States; and

WHEREAS, If this dangerous scheme be perfected, it will result not only in the ultimate destruction of this Government, but in the reduction of this newly enfranchised race again to the chains of slavery, with all its concomitants, injustice, oppression, and horrors; therefore,

*Resolved*, That the members of this Convention, as the legal representatives of this long abused and outrageously slandered people, do solemnly enter our protest against this vile slander on the great body of our constituents; and being fresh from these people, and thoroughly conversant with their wishes, desires and intentions, solemnly and earnestly deny the truth of all such charges, and declare to the world that there is not one word of truth in them.

*Resolved*, That as loyal citizens of the United States, we denounce the action of these political schemers against the Government of the United States, and against the rights of man, and warn the President, Congress and the people of the United States of the foul plot and dangerous scheme of these men.

*Resolved*, That we denounce all men who give credence to this unfounded slander and assist in circulating the same.

*Resolved*, That we earnestly petition Congress to appoint a committee to investigate all such charges, and thus disabuse the minds of the friends of the long and still abused race throughout the Union.

*Resolved*, That the Secretary be required to furnish a copy of these resolutions, and mail the same immediately to the President, the Speaker of the House of Representatives, and the President of the Senate.

Which, after some discussion, was recommended to the mover at his request.

On motion of Mr. Pinchback, of Orleans, the report of the Committee on Militia was sent back to the Official Printer for correction of several material errors therein.

By Mr. Smith, of Orleans:

WHEREAS, There has been no committee appointed to investigate the city charter of New Orleans; and

WHEREAS, The Legislature of 1867, by its enactments passed laws depriving loyal citizens of rights clearly enjoyed under the

Constitution of the United States; therefore, be it

*Resolved*, That a committee of nine be appointed by the chair, to be known as a Committee on City Charter, whose duty it shall be to examine said charter and report to the Convention the changes deemed necessary to secure the equal rights of all citizens of said city, without regard to race, color, or previous condition.

Lies over.

On motion to allow the several committees time to complete their reports the Convention adjourned till Monday next at 10½ o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

#### SEVENTEENTH DAY.

NEW ORLEANS, Monday, Dec. 16, 1867.

At 10½ o'clock A. M. the Convention was called to order.

President Taliaferro in the chair.

The roll was called and the following delegates answered to their names:

Messrs. Taliaferro, Barret, Bonseigneur, Bertonneau, Blandin, Bonnefoi, Brown, Butler, Cooley, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Donato, Dupart, Duplessis, Edwards, Francois Gair, Gardiner, Gould, Guichard, Harper Harrison, Hempstead, Hiestand, Kelso Landers, Lange, Leroy, Lewis J. B., Lewis Richard, Ludeling, Marie, Martin, Masicot, Meadows, McLeran, Morris, Moses Murrel, Mushaway, Myers, Newsham Oliver, Packard, Pierce, Poindexter, Pollard, Reese, Riard, Schwab, Snaer, Scott Snider, Steele, Thibaut, Tinchant, Twitchell, Waples, Wickliffe, Williams, Wilson—66 members present.

Prayer by Rev. Josiah Fisk.

The Journal of the preceding day was read and adopted.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Legislative department, Mr. Barret, of Union, chairman, submitted the following report:

#### REPORT OF THE COMMITTEE ON THE LEGISLATIVE.

The Committee on the Legislative leave to report as follows:

#### LEGISLATIVE DEPARTMENT.

ARTICLE 1. The Legislative power of the State shall be vested in two distinct branches. The one to be styled "the House of Representatives," the other "the

Senate," and both, "the General Assembly of the State of Louisiana."

ART. 2. The members of the House of Representatives shall continue in service for two years from the day of the closing of the general elections.

ART. 3. Representatives shall be chosen on the first Monday in November every two years, and the election shall be completed in one day. The General Assembly shall meet generally on the first Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 4. Every elector, under this Constitution shall be eligible to a seat in the House of Representatives; and every elector who has reached the age of twenty-eight years, shall be eligible to the Senate: *Provided*, That no person shall be a Representative or Senator, unless at the time of his election, he be a qualified elector of the representative or senatorial district from which he is elected.

ART. 5. Elections for members of the General Assembly shall be held at the several election precincts established by law.

ART. 6. Representation in the House of Representatives shall be equal and uniform, and shall be ascertained and regulated by the number of qualified electors; each parish in the State being entitled to at least one representative. An enumeration of the qualified electors of this State, by the State authorities, shall be made in 1868, a second in 1875; and an enumeration shall be made regularly every ten years thereafter, for the purpose of ascertaining the total population, as well as the number of qualified electors in each parish and election district; and in case of informality, omission or error, in the census returns from any district, the Legislature shall order a new census taken in such parish or election district.

ART. 7. At the first session of the Legislature, after the making of each enumeration, the Legislature shall apportion the representation amongst the several parishes and election districts, on the basis of qualified electors as aforesaid. A representative number shall be fixed and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to have, and an additional representative for any fraction exceeding one half of the representative number. The number of representatives shall never exceed one hundred and twenty, nor less than ninety.

ART. 8. Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to

be made as directed in Art. No. 6, the representation in the Senate and House of representatives shall be as follows: For the parish of Orleans, and to be elected as follows:	
First Representative District.....	2
Second      "      "      .....	2
Third      "      "      .....	4
Fourth     "      "      .....	1
Fifth      "      "      .....	2
Sixth     "      "      .....	1
Seventh    "      "      .....	2
Eighth    "      "      .....	1
Ninth     "      "      .....	1
Tenth    "      "      .....	3
Orleans, right bank.....	1
Ascension .....	2
Assumption.....	2
Avoyelles.....	2
Baton Rouge, East.....	3
Baton Rouge, West.....	1
Bienville.....	1
Bossier.....	2
Caddo.....	3
Calcasieu.....	1
Caldwell.....	1
Carroll.....	2
Catahoula.....	1
Claiborne.....	2
Concordia.....	2
DeSoto.....	2
Feliciana, East.....	2
Feliciana, West.....	1
Franklin .....	1
Iberville.....	2
Jackson.....	1
Jefferson.....	4
Lafayette.....	1
Lafourche.....	2
Livingston.....	1
Madison.....	1
Morehouse.....	1
Natchitoches .....	2
Ouachita.....	2
Plaquemine .....	1
Point Coupee.....	2
Rapides .....	3
Sabine .....	1
St. Bernard.....	1
St. Charles .....	1
St. Helena .....	1
St James.....	2
St. John Baptist.....	1
St. Landry.....	4
St. Martin's .....	2
St. Mary's.....	2
St. Tammany.....	1
Tensas .....	2
Terrebonne .....	2
Union .....	1
Vermillion .....	1
Washington .....	1
Winn .....	1
Total.....	98

And the State shall be divided into the following senatorial districts, to-wit:

The First, Second and Third Representative Districts of New Orleans shall form one senatorial district and elect three Senators.

The Fourth, Fifth and Sixth Representative Districts of New Orleans shall form one district and elect two Senators,

The Seventh, Eighth and Ninth Representative Districts of New Orleans and the parish of St. Bernard shall form one district and elect two Senators.

The Tenth Representative District of New Orleans shall form a district and elect one Senator.

Orleans, right bank, and the parish of Plaquemine shall form one district and elect one Senator.

The parishes of Jefferson, St. Charles and St. John Baptist, shall form one district and elect two Senators.

The parishes of Ascension and St. James shall form one district and elect one Senator.

The parishes of Assumption, Lafourche and Terrebonne, shall form one district and elect two Senators.

The parishes of Vermillion and St. Mary shall form one district and elect one Senator.

The parishes of Calcasieu, Lafayette and St. Landry, shall form one district and elect two Senators.

The parishes of Livingston, St. Helena, Washington and St. Tammany shall form one district and shall elect one Senator.

The parishes of Point Coupee, East Feliciana and West Feliciana shall form one district and elect two Senators.

The parish of East Baton Rouge shall form one district and elect one Senator.

The parishes of West Baton Rouge, Iberville and St. Martin shall form one district and elect two Senators.

The parishes of Concordia and Avoyelles shall form one district and elect one Senator.

The parishes of Tensas and Franklin shall form one district and elect one Senator.

The parishes of Carroll, Madison and Morehouse shall form one district and elect two Senators.

The parishes of Ouachita and Caldwell shall form one district and elect one Senator.

The parishes of Jackson and Union shall form one district and elect one Senator.

The parishes of Bossier, Bienville and Claiborne shall form one district and elect two Senators.

The parish of Caddo shall form one district and elect one Senator.

The parishes of DeSoto, Natchitoches and Sabine shall form one district and elect two Senators.

The parish of Rapides shall form one district and elect one Senator.

The parishes of Catahoula and Winn shall form one district and elect one Senator.

Thirty-six Senators in all.

ART. 9. The House of Representatives shall choose its Speaker and other officers.

ART. 10. Electors, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during their attendance on, going to, and returning from elections.

ART. 11. At its first session under this Constitution, the Legislature shall provide by law that the names and residence of all qualified electors shall be registered in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 12. No person shall be entitled to vote at any election held in this State, except in the parish of his residence and at the election precinct in which he is registered.

ART. 13. The members of the Senate shall be elected for the term of four years, and when assembled the Senate shall have power to choose its own officers.

ART. 14. During every year in which they apportion representation in the House of Representatives, the Legislature shall divide the State into Senatorial Districts.

ART. 15. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish be (is) created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the Legislature, but shall not be attached to more than one district. The number of Senators shall be thirty-six; and they shall be apportioned among the senatorial districts according to the electoral population of said districts.

ART. 16. In all apportionments of the Senate, the electoral population of the whole State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator.

Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a Senator; and if the apportionment to make a parish or district fall short of or exceed the ratio, then a district may be formed having not more than two Senators, but not otherwise. No new apportion-

ment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made, as directed in the sixth article, the Legislature shall not pass any law till an apportionment of representation in both Houses of the General Assembly be made.

ART. 17. At the first session of the General Assembly, after this Constitution takes effect, the Senators shall be divided equally by lot into two classes; the seats of the Senators of the first class to be vacated at the expiration of the term of the first House of Representatives; of the second class at the expiration of the term of the second House of Representatives; so that one half shall be chosen every two years successively. In case any district shall have elected two Senators, said Senators shall vacate their seats respectively at the end of the terms aforesaid, and lots shall be drawn between them.

ART. 18. The first election for Senators shall be held at the same time with election for Representatives; and thereafter there shall be elections of Senators at the same time with each general election of Representatives, to fill the places of those Senators whose term of service may have expired.

ART. 19. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

ART. 20. Each House of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

ART. 21. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of two thirds, expel a member, but not a second time for the same offense.

ART. 22. Each House of the General Assembly shall keep and publish weekly a journal of its own proceedings, and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

ART. 23. Each House may punish, by imprisonment, any person not a member, for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

ART. 24. Neither House, during the sessions of the General Assembly, without the consent of the other, shall adjourn for more

than three days, nor to any other place than that in which they may be sitting.

ART. 25. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the House of Representatives by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement. And any legislative action had after the expiration of said period of sixty days shall be null and void; but this last provision shall not apply to the first session of the Legislature that shall convene after the adoption of this Constitution.

ART. 26. The members of the General Assembly, in all cases except treason, felony and breach of the peace, shall be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same; and for any speech or debate in either House shall not be questioned in any other place.

ART. 27. No Senator or Representative during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

ART. 28. No person, while he continues to exercise the functions of a clergyman of any religious denomination whatever, shall be eligible to the General Assembly.

ART. 29. No bill shall have the force of a law, until, on three several days it be read over in each House of the General Assembly, and free discussion allowed thereon; unless in case of urgency four fifths of the house, where the bill is pending, may deem it expedient to dispense with this rule.

ART. 30. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills: *Provided*, It shall not introduce any new matter under the color of an amendment, which does not relate to raising revenue.

ART. 31. The General Assembly shall regulate by law, by whom and in what manner, writs of election shall be issued to fill the vacancies which may occur in either branch thereof.

ART. 32. The Senate shall vote on the confirmation or rejection of the officers to be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays; and the names of the Senators voting for and against the appointments, respectively, shall be entered on the journals to be kept for the purpose, and made public on or before the end of each session.

ART. 33. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

ART. 34. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the hall of the House of Representatives on the Second Monday following the meeting of the Legislature, and proceed to said election.

JNO. L. BARRET, Chairman;  
JOHN LYNCH,  
T. S. CRAWFORD,  
S. R. MOSES,  
S. B. PACKARD,  
ARNOLD BERTONNEAU.

And moved that 200 copies be printed and the report referred immediately to Committee on Draft of Constitution.

The Committee on General Provisions, Mr. Crawford, of Caldwell, chairman, presented the following majority report:

**MAJORITY REPORT OF THE COMMITTEE ON GENERAL PROVISIONS.**

To the President and Members of the Constitutional Convention of the State of Louisiana :

The undersigned, members of the Committee on General Provisions, respectfully submit the following report, which they recommend may be adopted:

ARTICLE 1. Every male person of the age of twenty-one years or upwards, excepting paupers, persons under interdiction and those disfranchised by this Constitution, who shall be a citizen of the United States, and who shall have been an inhabitant of this State one year next preceding an election, and the last six months within the parish in which he offers to vote, shall be deemed an elector. After the first of January, one thousand eight hundred and seventy-two, no one shall be entitled to vote in this State unless he can read and write; *Provided*, That no person shall be deprived of the right to vote who shall be entitled to vote for or against the ratification of this Constitution. No elector shall be permitted to vote at any election who shall not have paid the taxes due by him to the State at the time he offers to vote.

ART. 2. The following persons shall be prohibited from voting or from holding any

office of honor, trust or profit in this State, to wit: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable by imprisonment at hard labor; all paupers and persons under interdiction and all leaders or officers of guerrilla bands during the late war or rebellion. The following persons are prohibited from voting or holding any office of honor, trust or profit in this State, until after the first of January, one thousand eight hundred and seventy-eight, to wit: All persons who, before the first of June, one thousand eight hundred and sixty-one, held the office of Vice-President, Secretary of State, Secretary of War, Secretary of the Interior, Secretary of the Treasury, Postmaster General, or Attorney General of the United States, diplomatic agents of the United States, members of Congress, Judges of the Supreme, Circuit and District Courts of the United States, commissioned officers of the army or navy of the United States, Governors and Lieutenant Governors of this State or of other States, State Senators, Judges of the Supreme and District Courts of this State, Judges of the Courts of last resort of other States, and who approved or encouraged the secession of this State or any other State before the first day of June, one thousand eight hundred and sixty-one, and members of secession conventions who voted for or signed the ordinance of secession.

ART. 3. Members of the General Assembly and all other officers, before they enter upon the duties of their offices shall take the following oath or affirmation: I, (A. B.), do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, and the Constitution and laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my ability and understanding. So help me God.

ART. 4. Treason against the State shall consist only in levying war against it, or adhering to its enemies—giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

ART. 5. All penalties shall be proportioned to the nature of the offense.

ART. 6. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 7. No money shall be drawn from the Treasury but in pursuance of specific

appropriations made by law; a regular statement and account of receipts and expenditures of all public monies shall be made annually in such manner as shall be prescribed by law.

ART. 8. All civil officers of the State at large shall be voters of and reside within the State; and all district or parish officers shall reside within their respective districts or parishes, and shall keep their offices at such place therein as may be required by law.

ART. 9. All civil officers shall be removable by an address of two thirds of the members elect to each House of the General Assembly, except those whose removal is otherwise provided for by this Constitution.

ART. 10. In all elections by the people the vote shall be taken by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 11. No member of Congress or person holding or exercising any office of trust or profit under the United States or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under this State.

ART. 12. None but citizens of the United States and of this State shall be appointed to any office of trust or profit in this State.

ART. 13. The laws, public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the English language.

ART. 14. No power of suspending the laws of this State shall be exercised except by the General Assembly.

ART. 15. Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an impartial jury of the parish in which the offense was committed, unless the venue be changed. He shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor. He shall not be tried twice for the same offense.

ART. 16. All persons shall be bailable by sufficient securities, unless for capital offenses where the proof is evident or the presumption great, or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended.

ART. 17. Excessive bail shall not be required, excessive fines shall not be imposed nor cruel or unusual punishments inflicted.

ART. 18. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the thing to be seized.

ART. 19. No *ex post facto* or retroactive law, nor any law impairing the obligation of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility and for adequate compensation previously made.

ART. 20. All courts shall be open, and every person, for any injury done him in his lands, goods, person or reputation, shall have adequate remedy by due course of law, and right and justice administered without denial or unreasonable delay.

ART. 21. The press shall be free; every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of this liberty.

ART. 22. Whenever the General Assembly shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, it shall in the law creating the debt provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due, and the said law shall be irrepealable unless principal and interest be fully paid, or unless the repealing law contains some adequate provision for the payment of the principal and interest of the debt.

ART. 23. The General Assembly shall provide by law for all change of venue in civil and memorial cases.

ART. 24. The General Assembly may enact general laws regulating the adoption of children, emancipation of minors and the granting of divorces; but no special law shall be passed relating to particular or individual cases.

ART. 25. Every law passed by the General Assembly shall embrace but one object, and that shall be expressed in the title.

ART. 26. No law shall be revived or amended by reference to its title; but in such case the revived or amended section shall be re-enacted and published at length.

ART. 27. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases, shall specify the several provisions of the law it may enact.

ART. 28. No person shall hold or exercise, at the same time, more than one office of trust or profit except that of Justice of the Peace or Notary Public.

ART. 29. Taxation shall be equal and

uniform throughout the State; all property shall be taxed in proportion to its value, to be ascertained as directed by law; the General Assembly shall have power to exempt from taxation property actually used for church, school or charitable purposes. The General Assembly shall levy an income tax upon all persons pursuing any occupation, trade or calling, and all such persons shall obtain a license, as provided by law, all tax on income shall be *pro rata* on the amount of income or business done. The General Assembly shall levy a poll tax on all male inhabitants of this State, over twenty-one years old, for school purposes, which tax shall never exceed one dollar and fifty cents in any one year.

ART. 30. The General Assembly shall have power to extend this Constitution and the jurisdiction of this State over any territory acquired by compact with any other State or the United States, the same being done by the consent of the United States.

ART. 31. None of the lands granted by Congress to the State of Louisiana for aiding in constructing the necessary levees and drains to reclaim the swamp and overplowed lands of the State, shall be diverted from the purpose for which they were granted.

ART. 32. No liability, either State, parochial or municipal, shall exist for any debts contracted for, or in the interest of the rebellion against the United States Government.

ART. 33. The General Assembly may determine the mode of filling vacancies in all offices for which provision is not made in this Constitution.

ART. 34. The General Assembly shall pass no law requiring a property qualification for office.

ART. 35. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

ART. 36. The General Assembly shall provide by law for the protection of the rights of married women to their paraphernal property and for the registration of the same, but no mortgage or privilege shall hereafter affect third parties unless recorded in the parish where the property to be affected is situated. The tacit mortgages and privileges now existing in this State shall cease to have effect against third persons after the first day of January, one thousand eight hundred and seventy, unless duly recorded. The General Assembly shall provide by law for the registration of all mortgages and privileges.

ART. 37. The General Assembly at its first session under this Constitution shall provide an annual pension for the veterans of 1814 and 1815.

ART. 38. The General Assembly at its first session under this Constitution shall provide by law for the registration of voters throughout the State, and no one shall be permitted to vote until registered.

ART. 39. The seat of government shall be established at the City of Baton Rouge, and shall not be removed without the consent of two thirds of the members of both Houses of the General Assembly.

T. S. CRAWFORD, Chairman;  
L. W. BAKER,  
CHARLES LEROY,  
W. H. COOLEY,  
JNO. J. LUDELING.

Mr. Crawford also made a verbal report, as follows:

Resolutions offered by Messrs. Cromwell, Wilson, Depasseau, Leroy and Ingraham, have been considered by the committee, and their views thereof embodied in the report. Resolutions of Messrs. R. H. Isabelle and Wilson were reported back as embracing subjects not within the scope of the Committee or the Constitution.

Mr. Mushaway, of Orleans, moved to print 200 copies, and to refer to Committee on Draft of the Constitution. Adopted.

Committee on Ordinance and Schedule reported progress.

The Committee on Enrollment submitted the following report:

To the President and Members of the Convention:

GENTLEMEN—Finding it an impossibility for the Convention to transact its business properly without the necessary clerks, the committee as per resolution passed authorizing standing committees to appoint a clerk when deemed necessary, would respectfully represent that we have this day appointed T. H. Noland Chief Enrolling Clerk, which we respectfully submit.

Mr. Smith, of Orleans, moved to confirm the nomination of T. H. Noland, as Chief Enrolling Clerk. Adopted.

Committee on Contingent Expenses—Report progress.

Committee on Draft of the Constitution—No progress.

#### UNFINISHED BUSINESS.

By Mr. Smith, of Orleans :

Mr. Smith, under this head, called up his resolution relative to the amendment of the Constitution of 1864, and its adoption as the Constitution of 1867. Laid on the table.

Mr. Cromwell, of Orleans, moved to lay on the table. Adopted.

Mr. Cromwell, of Orleans, on behalf of the minority of the Committee on General Provisions submitted the following report:

**MINORITY REPORT OF THE COMMITTEE ON  
GENERAL PROVISIONS.**

To the President and Members of the Constitutional Convention of the State of Louisiana:

The undersigned dissent from the report of the majority of the committee, and respectfully submit their own objection, as to the oath of members of the General Assembly and all other State or parish officers; we recommend the oaths herein set forth for officers, before entering on their respective offices, and persons, who may wish to register, to vote, and others that we have not time to report.

R. I. CROMWELL,  
R. G. GARDINER.

**QUALIFICATIONS OF ALL OFFICERS IN THE STATE.**

Members of the General Assembly, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have given no voluntary aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted, nor attempted to exercise the functions of any office whatever; under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto, and did not wilfully desert from the military or naval service of the United States, or leave this State to avoid the draft during the rebellion; and that I will support the Constitution and laws of the United States, and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my abilities and understanding. So help me God."

ART. 1. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government whenever the public good may require it.

**WHO ARE DISFRANCHISED.**

ART. 2. No person a citizen of this State shall be disfranchised but the following classes of persons: First. Persons who, during the late rebellion, inflicted or caused to be inflicted, any cruel or unusual punish-

ment upon any soldiers, sailors, marines, employees or citizens of the United States, or who in any other way violated the rules of civilized warfare. Second. No soldier, sailor, or marine in the military or naval service of the United States shall hereafter acquire a residence by reason of being stationed on duty in this State. Third. All persons who signed the ordinance of secession. Fourth. Those who may be disqualified from holding office by the proposed amendment to the Constitution of the United States, known as 14th article. Fifth. And those who have been disqualified from registering to vote for delegates to frame a Constitution for the State of Louisiana, under the act of Congress to provide for the more efficient government of the rebel States, passed by Congress, March 2, 1867—and the acts supplementary thereto, except such persons as have accepted the public equality, political and civil rights and privileges of all persons, without regard to their previous condition of servitude of race, and have aided in the reconstruction proposed by Congress.

ART. 3. It shall be the duty of the General Assembly to provide, from time to time, for the registration of electors.

**OATH OR QUALIFICATIONS FOR REGISTERING.**

ART. 4. All persons, before registering, must take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of Louisiana; that I am not excluded from registering by any clause, section or article in the Constitution of this State; that I will never countenance or aid in the secession of this State from the United States; that I accept the public, political, and civil equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color or previous condition of any political or civil rights and public privileges or immunities enjoyed by any class of men; and, furthermore, that I will not in any way injure or countenance in others, any attempt to injure any person or persons on account of past or present support of the Government of the United States and laws of the United States, in the principles of the public, political and civil equality of all men.

**QUALIFICATIONS FOR FOREIGNERS.**

ART. 5. No person of foreign birth shall be entitled to vote, or shall be eligible in this State to office, unless he shall have resided within the United States for twenty-one years and naturalized: *Provided*, That this article shall not affect the rights which any person of foreign birth possessed

at the time of the adoption of this Constitution.

ART. 6. The Legislature shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury or rebellion.

ART. 7. No property qualification for eligibility to office, or for the right of suffrage, shall be ever required by law in this State.

ART. 8. Every person shall be disqualified and prohibited from holding any office of trust or profit in this State, and shall be excluded from the right of suffrage, who shall have been civil- or diplomatic officers or agents of the Confederate States of America, or who have left judicial stations under the United States or the State of Louisiana to aid in the rebellion against the authority of the United States, or who shall have left the army or navy of the United States and joined the Confederate States army or navy; all officers, Captains and above the rank of Captains in the army, and all Lieutenants or above the rank of Lieutenants in the navy; all who left seats in the United States Congress or seats in the Legislature of this State or any State to aid in rebellion, or persons who have been engaged in treating, otherwise than lawfully as prisoners of war, persons found in the United States service as officers, soldiers, seamen, or in any other capacities, or persons who held offices under the Government of the Confederate States for the purpose of aiding rebellion, shall be denied the elective franchise in this State for their lifetime.

ART. 9. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under severe penalties or punishment all undue influence thereon from power, bribery, tumult or other improper practice.

Mr. Crane, of Orleans, moved that 200 copies be printed. Adopted.

Mr. Blackburn, of Claiborne, called up the report of the Committee on Printing:

#### REPORT OF THE COMMITTEE ON PRINTING.

To the President and gentlemen of the Convention:

The Committee on Printing, after carefully examining and comparing former rates and contracts for such works, respectfully ask leave to recommend the following rates of compensation to be allowed the Official Printer of this Convention, viz:

No. 1. For the first one thousand copies of the journal of the Convention, in book form, printed in bourgeois type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, five dollars will be allowed for each page, and for every one thousand copies,

after the first one thousand, three dollars per page; and in the same proportion for fractions of one thousand copies.

No. 2. For all documents, reports, or other matter than the journal of the Convention, printed in book or pamphlet form, composed in bourgeois, the pages to be of the same length and breadth as the journal, five dollars per page for the first two hundred copies, and for every additional two hundred copies three dollars per page.

For resolutions, memorials or reports of committees, printed on foolscap or similar sized paper, composed in bourgeois type, thirty-six ems wide and ninety-five lines in length, for the first two hundred copies eight dollars per page; and for each additional hundred copies four dollars per page.

For all matter marked "official," and published in the official journal, one dollar per square, of the space of ten agate lines, for the first insertion; and fifty cents for each subsequent insertion.

Your committee would suggest that this estimate is in the main, at lower rates than have heretofore been allowed for similar work while the price of composition and the cost of printing material generally is now much higher.

Your committee would, therefore, most respectfully ask that these rates be allowed, and that the number of the journal ordered, in pamphlet form, be twenty-five hundred copies.

Your committee would also report on the resolutions offered by the honorable member from East Baton Rouge, and the various amendments offered by other members, relative to publishing in other loyal papers the report of the proceedings of the Convention, as follows :

That the official proceedings of this Convention be published in the following named newspapers : The New Orleans Republican, the Homer Iliad, the Louisiana Intelligencer, the St. Landry Progress, the German Gazette and the Iberville Pioneer ; to be paid the same rates allowed the Official Printer, at which rates your committee has calculated the aggregate sum will be but comparatively small, when considered in connection with the public utility which may result from this just distribution of patronage.

The adoption by the Convention of this recommendation is of great importance in acquainting the people of the whole State with the acts of their public servants, and will tend materially in aiding the cause of reconstruction of a loyal government in this State, founded on principles of true republicanism. With these objects in view, and considering the eminent justice of the

measure, your committee offer the accompanying resolutions for adoption.

W. JASPER BLACKBURN,  
Chairman Committee on Printing;

Wm. BROWN,

M. VIDAL,

CHAS. A. THIBAUT,

M. H. TWITCHELL,

SAMUEL E. CUNEXY,

W. H. HIESTAND.

#### RESOLUTIONS.

*Resolved*, That the following rates of compensation be allowed the Official Printer of this Convention, viz:

For the first 500 copies of the Journal of the Convention, in book form, printed in bourgeois type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, five dollars; and for every 500 copies after the first 500, three dollars per page; and in the same proportion for fractions of 500 copies.

For all documents, reports, or other matter other than the Journal of the Convention, printed in book or pamphlet form, composed in bourgeois, the pages to be of the same length and breadth as the journal, five dollars per page for the first two hundred copies, and for every additional two hundred copies three dollars per page.

For resolutions, memorials, or reports of committees, printed on foolscap or similar sized paper, composed in bourgeois type, thirty-six ems wide and ninety-five lines in length, for the first two hundred copies eight dollars per page, and for each additional hundred copies four dollars per page.

For all matter marked "official," and published in the official journal, one dollar per square, of the space of ten agate lines, for the first insertion, and fifty cents for each subsequent insertion.

*Resolved*, That the number of the journal ordered in pamphlet form be twenty-five hundred copies.

*Resolved*, That the official proceedings be published in the following additional newspapers, viz: The New Orleans Republican, the Homer Iliad, the Louisiana Intelligencer, the St. Landry Progress, the German Gazette and the Iberville Pioneer; to be paid the same rates as the Official Printer.

Mr. Tinchant, of Orleans, moved that the report be received and the resolutions acted upon *seriatim*. Adopted.

Mr. Bonseigneur, of Orleans, moved to amend resolution 1st by striking out 1000 and inserting 200.

Mr. Blackburn, of Claiborne, moved to amend by inserting 500 in place of 200,

which was accepted by the mover of the original amendment.

Mr. Cooley, of Point Coupee, offered the following substitute:

For the first 1000 copies, \$3 per page, and for every 1000 copies after the first 1000 copies, \$1 50.

Laid on the table.

And the amendment of Mr. Bonseigneur, of Orleans, was adopted.

And the first section of the first resolution reading as follows:

*Resolved*, That the following rates of compensation be allowed the Official Printer of this Convention, viz:

For the first 500 copies of the Journal of the Convention, in book form, printed in bourgeois type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, five dollars; and for every 500 copies after the first 500 three dollars per page; and in the same proportion for fractions of 500 copies.

Was adopted.

The second section of the first resolution, as follows:

For all documents, reports, or other matter other than the Journal of the Convention, printed in book or pamphlet form, composed in bourgeois, the pages to be of the same length and breadth as the journal, five dollars per page for the first two hundred copies, and for every additional two hundred copies three dollars per page.

Was adopted.

The third section of first resolution, as follows:

For resolutions, memorials or reports of committees, printed on foolscap or similar sized paper, composed in bourgeois type, thirty-six ems wide and ninety-five lines in length, for the first two hundred copies eight dollars per page, and for each additional hundred copies four dollars per page.

Was adopted.

The fourth section of the first resolution, as follows:

For all matter marked "official," and published in the official journal, one dollar per square, of the space of ten agate lines, for the first insertion; and fifty cents for each subsequent insertion.

Was adopted.

The second resolution was read.

Mr. Tinchant, of Orleans, moved to amend by 2500 copies of the journal in French. Laid on the table.

The second resolution, as follows:

*Resolved*, That the number of the journal ordered in pamphlet form be twenty-five hundred copies.

Was adopted.

Mr. Belden was called to the chair.

The third resolution was read.

Mr. Waples, of Orleans, moved to amend by striking out all after the word "resolved," and inserting the following:

That the Constitution, when adopted, shall be published weekly in the New Orleans Republican, the Homer Iliad, the New Orleans Advocate, the Monroe Louisiana Intelligencer, the Madison Journal and the Iberville Pioneer in the English language; in the New Orleans TRIBUNE and the St. Landry Progress in the French language; and in the New Orleans German Gazette in the German language; for which the proprietors shall be paid respectively the usual rates of advertising, not to exceed one dollar per square for the first insertion and fifty cents per square for each subsequent insertion.

Pending the consideration of which the Convention, at 4½ o'clock, adjourned until to-morrow at 11 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

#### EIGHTEENTH DAY.

NEW ORLEANS, Tuesday, Dec. 17, 1867.

The Convention, pursuant to adjournment, met at 11 o'clock.

President Taliaferro in the chair.

Roll was called and the following delegates answered to their names:

President J. G. Taliaferro, Messrs. Antoine, Baker, Barret, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Douglass, Duparte, Dupart, Duplessis, Edwards, Esnard, Francois, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harrison, Harris, Hempstead, Hiestand, Ingraham, T. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McMilan, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandegriff, Vidal, Waples, Wickliffe, Williams, Wilson—85 members present.

The journal of the preceding day read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Smith, of Orleans:

WHEREAS, Under the authority of Military bill, this Convention assembled for the express purpose of framing a constitution granting equal rights and privileges to all citizens without regard of race, color or previous condition; and

WHEREAS, It has made little or no progress in the great work for which it convened, thereby endangering liberties and interests of the newly enfranchised race, as well as the agricultural and commercial interest of the State; therefore, be it

*Resolved*, That the Constitution of 1864 be so amended in title 9, as to read: "A person shall be eligible for the office of Governor or Lieutenant Governor who shall not have attained the age of twenty-five years, and been a resident citizen of the State of Louisiana four years."

Title 4, article 95, after "free suffrage" insert "without regard to race, color or previous condition," and in title 11, article 1, insert the words "without regard to race, color or previous condition."

Referred to Committee on Draft of the Constitution.

By Mr. Hiestand, of Natchitoches:

ART. — All laws suspending the collection of taxes, whether State, parochial or municipal, are abrogated. No law shall ever be passed authorizing a suspension of taxation on any property in this State, except such as may be rendered valueless. The owner, by the happening of some physical calamity, in which case the Legislature shall designate by law the particular place or district in which the property so exempt is situated. Nor shall such exemption continue for a longer period than one year after such physical calamity shall have ceased.

ART. — Taxation shall be equal and uniform throughout the State. All property on which taxes shall be levied in this State shall be taxed in proportion to its value, to be ascertained as directed by law. No species of property shall be taxed higher than any other species of property of equal value, on which taxes shall be levied. The Legislature shall have power to levy an income tax and to tax all persons pursuing any occupation, trade or profession. Property shall ever be exempt from taxation, except such as is in actual necessity for religious or charitable purposes.

ART. — No law shall be passed exempting any person from serving on jury or the militia, except such as are under

e the age fixed by law. Such as are in actual employment of the State, or a chial or municipal corporation, or officing ministers or priests of religious so-  
es.

T. — Nor corporation created for re-  
us or charitable purposes shall be per-  
ed to own real estate, beyond what is  
ssary for the transaction of its ordina-  
isness.

ferred to Committee on General Pro-  
ns.

Mr. Jones, of Orleans :

HEREAS, The initiative has been taken to establish a national system of cheap light railways, under the authority of Government of the United States, in accordance with the principles and plans contained in bills now pending in Congress, it having been reasonably demonstrated that the following results are attainable,

Under the improved plan tenfold light power can be achieved over the tele-track railway as now managed.

Freights by rail, on the average, may be reduced to one third or less of present rates.

By the adoption of the proposed plan, connection with a steady and careful policy on the part of the National Government, as much could be saved annually in expenses of the people as the yearly interest of the national debt amounts to.

The adoption and consummation of such national system would result in the reduction of from three to five thousand millions of taxable property.

That the arterial trunk railways proposed would so invigorate the present rail-system of the United States as to add to the present lines an average of twenty-five per cent. to their financial value.

That the production of the United States, through this agency for increased development of the resources of the country, would be doubled in the course of a few years; therefore,

*solved*, That this Convention approves the movement now being made in Congress, viewing it to be of the utmost importance to the whole people of the United States.

*solved*, That it be and is recommended to the people of Louisiana, of every party, and color, to come to the aid of this movement, believing that not only the State of Louisiana, but the whole South-States are more interested in the establishment of a National system of cheap light railways than in all other material measures heretofore devised; and

HEREAS, The establishment of a national system of railways "by the people

and for the people," to be predicated on the broadest scale of popular advantage, may require the aid of the national power in finance, as well as that of the individual States in combination; it is further

*Resolved*, That it should be the first care of every State to maintain its public credit and public faith inviolate, while the people of every State should insist upon the maintenance of the public faith and credit of the National Government.

*Resolved*, That these resolutions, after passage, be engrossed, and a copy transmitted to each House of Congress.

Lies over.

Mr. Jones moved that 100 copies be printed. Adopted.

Mr. Tinchant, of Orleans, moved that in order to speedily complete its labors, this Convention will hold night sessions and assemble every evening at seven o'clock

P. M.

Mr. Cromwell, of Orleans, moved to lay on the table. Adopted.

By Mr. Steele, of Tensas:

WHEREAS, There are loyal men in this State who have assisted in reconstruction, but who are disfranchised under the Reconstruction bill, and

WHEREAS, Congress has provided, upon proper representation, for the removal of disabilities in such cases; therefore, be it

*Resolved*, That a special committee, to consist of five members, shall be appointed by the President, whose duty it shall be to receive from the different members, and report to this Convention, the names of such loyal men in this State as are disfranchised, that the Convention may memorialize Congress, asking for the removal of disabilities in such cases.

Lies over.

By Mr. Butler, of St. Helena :

WHEREAS, Large amounts of land have been entered by non-residents and others in the different parishes of the State which, for want of registration and survey, have escaped taxation; it is therefore

*Resolved*, That laws should be so made as to require that every person owning or claiming land in this State shall have the same surveyed and the boundaries thereof plainly defined and his title duly recorded in the parish where the same is situated, within a reasonable time after entry or purchase, on pain of forfeiture to the State.

*Resolved*, That it shall be made the duty of assessors to assess all lands in their respective parishes which shall have been separated from the public domain by actual

rule, by such description as shall clearly define the land so assessed.

Lies over.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Ordinance and Schedule, by its chairman, Mr. Waples, submitted the following report:

To the President of the Convention:

We, the committee appointed to draft the schedule and ordinance, respectfully report the following:

#### TITLE—SCHEDULE.

**ARTICLE 1.** The ordinance of secession of the State of Louisiana, passed 26th January, 1861, is hereby declared to be null and void. The Constitution adopted in 1864, and all previous constitutions in the State of Louisiana, are declared to be superseded by this Constitution.

**ART. 2** All rights, actions, prosecutions, claims, contracts, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue, as if the same had not been adopted. All judgments and judicial sales, marriages and executed contracts, made in good faith and in accordance with existing laws in this State, rendered, made, or entered into between the 26th January, 1861, and the date when this Constitution shall be adopted, are hereby declared to be valid, except the following:

"An act to authorize the widening of the New Canal and Basin," approved March 14th, 1867.

"An act to amend and re-enact the 121st section of an act entitled 'An act relative to crimes and offences,'" approved December 20, 1865.

"An act for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting laborers, servants or apprentices," approved December 21, 1865.

"An act to punish, in certain cases, the employers of laborers and apprentices," approved December 21, 1865.

"An act to postpone all seizures for city taxes," certified 16th March, 1866.

"An act in relation to exemption from State, parish and city taxes for the years 1862, 1863, 1864 and 1865, in certain cases," certified 16th March, 1866.

"An act granting ferry privileges to C. K. Marshall, his heirs or assigns," approved March 16, 1867.

"An act to authorize the Board of Levee Commissioners, of the levee district in the parishes of Madison and Carroll, to issue bonds," etc., etc., approved March 28, 1867.

**ART. 3.** The laws relative to the duties of officers shall remain in force, though con-

trary to this Constitution, and the duties be performed by the respective officers until the organization of the government under this Constitution.

**ART. 4.** The Legislature shall provide the removal of causes now pending in the courts of this State to courts created under this Constitution.

#### ORDINANCE.

**ARTICLE 1.** Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity to the act of Congress entitled "An act to provide for the more efficient government of the rebel States," and acts supplementary thereto.

**ART. 2.** After the Constitution shall have been ratified, the President of the Convention, or, in case of his death or absence, the chairman of Committee on — immediately give notice of the ratification thereof, and order an election of all the officers under this Constitution, to be held within thirty days thereafter. Immediately after the ratification of this Constitution, the President of the Convention shall appoint one registrar in each and one in each district of the parish of Orleans, who shall, each in his particular district, appoint commissioners to hold the first election under this Constitution.

Respectfully submitted,

RUFUS WAPLES, Chair  
S. BELDEN,  
JNO. L. BARRET,  
JNO. T. LUDELING,  
T. S. CRAWFORD,  
J. P. NEWSHAM,  
W. H. COOLEY.

And moved to print 200 copies of the report immediately to be distributed on Draft of Constitution. Adopted.

Mr. Waples also reported adverse to the resolutions of Mr. Wickliffe, of which he referred to the committee abrogating the civil law, and substituting the common law of England instead thereof.

Committee on Enrollment submitted through Mr. Vandergriff, chairman, the following report:

The Committee on Enrollment fully report that the ordinance to provide means to defray the expenses of the convention of the State of Louisiana, issue of bonds of the State for \$300,000,000, bearing eight per cent. interest per annum, to provide for the redemption of said bonds, has been duly enrolled. Also, the committee to special committee on credit with parties proposing to loan money

Mr. Newsham, fixing *per diem*, com-  
mon and mileage of the Louisiana  
Constitutional Convention members. That

Wickliffe authorizing the President  
Convention to issue warrants on the  
order of this State, and that offered by  
Belden, fixing the *per diem* of the  
Convention.

es of the foregoing have been trans-  
to the Secretary and Treasurer of  
the State.

ch was received.

mittee on Printing—No report.

mittee on Contingent Expenses—  
ss.

mittee on Draft of the Constitution—  
ss.

#### UNFINISHED BUSINESS.

report of the Committee on Printing  
aken up, the last resolution thereof  
Ir. Waples' substitute, being under  
eration, and Mr. Waples having the

Underwood, of St. James, moved to  
amendment of Mr. Waples on the

ayes and nays were ordered.

Secretary proceeded to call the roll  
he following result—ayes 39, nays 36 :  
s: Baker, Belden, Blackburn, Brown,  
, Cromwell, Donato, Dupart, Fran-  
air, Harper, Hempstead, R. H. Isa-  
Jackson, Jones, Lange, Meadows,  
, Moses, Murrel, Newsham, Oliver,  
rd, Pierce, Pollard, Reagan, Reese,  
, Smith, Snaer, Scott, Thibaut, Tin-  
Twitchell, Underwood, Vidal, Wick-  
Wilson—39.

s : Antoine, Barret, Bertonneau,  
in, Bonseigneur, Bonnefoi, Butler,  
, Crane, Crawford, Demarest, P. G.  
ade, Gustave Duparte, Duplessis,  
, Guichard, Harris, Harrison, Thos.  
le, Landers, J. B. Lewis, Ludeling,  
, McMillan, Mushaway, Myers,  
back, Poindexter, Riard, Roberts,  
guez, Snider, Steele, Valfroit, Waples,  
ms—36.

the motion to table was adopted.

Wickliffe, of Orleans, moved to  
the resolution reported by the Com-  
ee on Printing, as follows:

ordered, That the Official Journal of  
Convention be published in the fol-  
g additional papers, viz: In the New  
ns Republican, Homer Iliad, New  
ns Advocate, Iberville Pioneer and  
iana Intelligencer, in the English

language; in the St. Landry Progress, in  
the French language, and in the New Or-  
leans German Gazette, in the German  
language. Said journal to be taken from  
the official organ of this Convention, and  
the proprietors of said papers to be paid  
the same rates of advertising as is allowed  
the Official Printer of this Convention;  
*Provided*, That copies of said papers con-  
taining all said journal and the Constitu-  
tion as a whole, be furnished the chairman  
of the Committee on Printing; and *Pro-  
vided further*, That the proprietors of said  
papers shall be allowed warrants on the  
Treasurer of the State for the work thus  
performed as in other cases made and pro-  
vided.

Mr Bertonneau, of Orleans, moved to lay  
the amendment and the original resolution  
on the table.

The ayes and nays were ordered.

The Secretary called the roll with the  
following result—ayes 38, nays 46 :

Ayes : Messrs. Antoine, Barret, Berton-  
neau, Blandin, Bonseigneur, Bonnefoi,  
Butler, Cooley, Crane, Crawford, Cuney,  
Dearing, Demarest, Douglass, Duparte,  
Dupart, Duplessis, Esnard, Gould, Gui-  
chard, Harris, Harrison, Thos. Isabelle,  
Landers, J. B. Lewis, Ludeling, Lynch,  
McMillan, Moses, Mushaway, Myers,  
Riggs, Rodriguez, Snider, Tinchant, Val-  
froit, Waples, Henderson—38.

Nays : Messrs. Baker, Belden, Blackburn,  
Brown, Burrel, Cromwell, Deslonde, Donato,  
Francois, Ferguson, Gair, Gardiner, Har-  
per, Hempstead, Hiestand, Ingraham, R.  
H. Isabelle, Jackson, Jones, Kelso, Lange,  
Leroy, Massicot, Meadows, Morris, Mur-  
rell, Newsham, Oliver, Packard, Pierce,  
Poindexter, Pollard, Reagan, Reese, Riard,  
Roberts, Schwab, Smith, Snaer, Scott,  
Thibaut, Twitchell Underwood, Vidal,  
Wickliffe and Wilson—46.

And the motion to lay on the table was  
lost.

Mr. Waples moved, and his motion was  
seconded, that the resolution be postponed  
and made the special order at 1 o'clock on  
Wednesday.

Mr. Blackburn, of Claiborne, chairman  
of the Committee on Printing, in behalf of  
the committee, accepted the amendment  
of Mr. Wickliffe in the place of the original  
resolution as reported by the committee.

Mr. Wickliffe, of Orleans, moved to adopt  
the resolution as amended.

The ayes and nays were ordered, with the

following result—ayes 46, nays 34—as follows:

Yea: Baker, Blackburn, Brown, Burrel, Butler, Cromwell, Cuney, Donato, Dupart, Francois, Ferguson, Gair, Gardiner, Harper, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Jackson, Jones, Leroy, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Schwab, Smith, Scott, Thibaut, Twitchell, Underwood, Vidal, Wickliffe, Williams, Wilson—46.

Nays: Antoine, Barret, Belden, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Cooley, Crane, Crawford, Demarest, Douglass, Duparte, Esnard, Guichard, Harris, Harrison, Thomas Isabelle, Kelso, Landers, Lewis, Ludeling, Lynch, McMillan, Mushaway, Myers, Roberts, Rodriguez, Snider, Steele, Tinchant, Valfroit, Waples and Dulessis—34.

And the resolution, as amended, and reading as follows :

*Resolved*, That the Official Journal of this Convention be published in the following additional papers, viz: In the New Orleans Republican, Homer Iliad, New Orleans Advocate, Iberville Pioneer and Louisiana Intelligencer, in the English language; in the St. Landry Progress, in the French language, and in the New Orleans German Gazette, in the German language. Said journal to be taken by said papers from the official report as published in the official organ of this Convention, and the proprietors of said papers to be paid the same rates of advertising as is allowed the Official Printer of this Convention; *Provided*, That copies of said papers containing all said journal, and the Constitution as a whole, be furnished the chairman of the Committee on Printing; and *Provided further*, that the proprietors of said papers shall be allowed warrants on the Treasurer of the State for the work thus performed, as in other cases made and provided.

Was adopted.

Mr. Wickliffe, of Orleans, moved that the resolutions reported by the Committee on Printing as severally amended, be adopted as a whole; and the resolutions, as a whole, and reading as follows, were adopted:

*Resolved*, That the following rates of compensation be allowed the Official Printer of this Convention, viz:

For the first 500 copies of the Journal of the Convention, in book form, printed in bourgeois type, the pages to be of the usual size of such work, and to be folded and stitched in the ordinary style, five dollars;

and for every 500 copies after the first three dollars per page; and in the same proportion for fractions of 500 copies.

For all documents, reports, or other matter other than the Journal of the Convention, printed in book or pamphlet form composed in bourgeois, the pages to be of the same length and breadth as the journal, five dollars per page for the first two hundred copies, and for every additional hundred copies three dollars per page.

For resolutions, memorials or reports committees, printed on foolscap or similar sized paper, composed in bourgeois type thirty-six ems wide and ninety-five lines in length, for the first two hundred copies eight dollars per page, and for each additional hundred copies four dollars per page.

For all matter marked “official” published in the official journal, one dollar per square, of the space of ten agate lines for the first insertion, and fifty cents each subsequent insertion.

*Resolved*, That the number of the journal ordered in pamphlet form be twenty-hundred copies.

*Resolved*, That the Official Journal of the Convention be published in the following additional papers, viz: In the New Orleans Republican, Homer Iliad, New Orleans Advocate, Iberville Pioneer and Louisiana Intelligencer, in the English language; in the St. Landry Progress, in the French language, and in the New Orleans German Gazette, in the German language. Said journal to be taken by said papers from the official report, as published in the official organ of this Convention, and the proprietors of said papers to be paid the same rates of advertising as is allowed the Official Printer of this Convention; *Provided*, That copies of said papers containing all said journal, and the Constitution as a whole, be furnished the chairman of the Committee on Printing; and *Provided further*, that the proprietors of said papers shall be allowed warrants on the Treasurer of the State for the work thus performed, as in other cases made and provided.

On motion of Mr. Cooley, of P. Coupee, the Convention adjourned until to-morrow at 12 o'clock m.

A true copy.

WM. VIGERS, Secretary.

#### NINETEENTH DAY.

NEW ORLEANS, Wednesday, Dec. 18, 1847.

The Convention, at 12 o'clock m., was called to order by President J. G. Taliaferro.

The following delegates answered to their names:

resident J. G. Taliaferro, Messrs. Anne, Barret, Bertonneau, Blackburn, Bidin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley Crane, Crawford, Cwell, Cuney, Dearing, Demarest, Deau, P. G. Deslonde, Jos. Deslonde, ato, Douglass, Duparte, Dupart, Du sis, Esnard, Francois, Ferguson, Gair, liner, Gould, Guichard, Harper, Har- Harrison, Hempstead, Hiestand, Ingra-, R. H. Isabelle, Thos. Isabelle, Jack- Jones, Kelso, Landers, Lange, Leroy, B. Lewis, R. Lewis, Ludeling, Marie, tin, Massicot, Meadows, McLeran, ris, Moses, Mushaway, Myers, New- n, Oliver, Packard, Pierce, Pinchback, dexter, Pollard, Reagan, Reese, Riard, gs, Roberts, Rodriguez, Snaer, Scott, ler, Steele, Thibaut, Tinchant, Twit- l, Underwood, Valfroit, Vandergriff, oles, Wickliffe, Williams, Wilson—85 members present.

ayer by Rev. Josiah Fisk.

he minutes were read.

r. Waples, of Orleans, desired the min- to be corrected by the insertion of a ion made by him and seconded to post- e the consideration of resolution of Mr. kiffe, and make it the special order of day for to-morrow, which was done, the minutes as corrected were adopted.

#### ORIGINAL RESOLUTIONS.

y Mr. Blackburn, of Claiborne :

HEREAS, The funds appropriated for various charitable institutions, the inst due by the State on her bonds, and requisite expenses for the State Gov- nent will expire on the 31st day of De- cember, 1867. And, it being absolutely necessary that legislative action be taken in rencce to these matters, and others in- g the honor and prosperity of the e, and as no General Assembly of the e can properly be convened in time to t the exigencies ; be it therefore esolved, That a committee of three mem- of this Convention, and two citizens, members of this Convention, be ap- pited by the President to proceed at once Washington and petition Congress to in this Convention legislative authority powers, so that the necessary appropria- s may be made for the general expenses he State for the year ending the 31st of December, 1868, and for other- poses appertaining to the welfare and pro- perty of the State; *Provided*, That legislation of the Convention shall be accordance with the provisions of the Constitution of 1864.

r. Blackburn requested permission to

read a written statement of his reasons therefor, which was granted. Lies over.

By Mr. R. H. Isabelle, of Orleans:

ARTICLE 1. The citizens of the city of New Orleans shall have the right of appointing the several public officers necessary for the administration of the police of said city, pursuant to the mode of elections, which shall be provided by the Legislature; *Provided*, That the Mayor and Recorders shall be ineligible to a seat in the General Assembly, and the Mayor and Recorders shall be commissioned by the Governor as justices of the peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor offenses, and as the police and good of said city may require.

ART. 2. The city of New Orleans shall maintain a police force which shall be uniformed at the expenses of said city, to consist of permanent citizens of the State of Louisiana, to be selected by the Mayor of said city and to hold office during good behavior and only removable by a police commission to be appointed by the Governor of the State for the term of two years, at a salary not less than nine hundred dollars per annum. A majority of whom shall remove for delinquencies, members of the police, when removed shall not again be eligible to any position on the police for a term of one year; *Provided*, That all offices connected with the police shall be vacant thirty days after the election of Mayor on or after the adoption of this Constitution.

ART. 3. Interfering or meddling in any manner, except the right of being a candidate or voting, will be sufficient cause for instant dismissal from the police by the Board.

ART. —. The various officers shall receive a salary not less than the following rates, viz:

The Chief of Police, \$250 per month; the Captains of Police, \$180 per month; Lieutenants, \$150 per month; Sergeants, \$125; Corporals, \$110 per month; Privates, day and night, \$100.

All of the above mentioned officers shall give good and solvent security as the law may direct for the faithful performance of their duties.

ART. 4. In case of riot or insurrection the Governor shall have power to order or assume command of the police of the said city, for police or military duty, as the emergencies may require, not exceeding fifteen days at any one time.

Lies over.

By Mr. Wickliffe, of Orleans:

*Resolved*, That we respectfully petition Congress to pass a law requiring all United States Marshals, in all cases of the sale of real or immovable property in the States lately in rebellion, to be ordered by the decisions of any United States court within the said States, to have all such lands surveyed and divided into tracts of not more than one hundred and sixty acres, and allowing no person, firm, association, company or corporation to purchase more than one of said tracts of one hundred and sixty acres at any one sale.

*Resolved*, That a copy of this resolution be forwarded by the Secretary of this Convention to the President of the United States and the Speaker of the U. S. House of Representatives.

By Mr. Waples, of Orleans:

*Resolved*, That a committee of three be appointed by the President to inquire into and report to the Convention the amount of expenditure this Convention is incurring for printing.

Lies over.

By Mr. Reagan, of East Baton Rouge:

*Resolved*, That we dispense with the draft of the Constitution until each report of standing committees shall have been taken up and finally disposed of.

*Resolved further*, That immediately after any report shall have been agreed upon as a part of the Constitution, the same shall be referred to the Committee on Draft of the Constitution.

Lies over.

Mr. Waples, of Orleans, moved to take up his resolution and put it upon its final passage.

The chair decided that under the rules it should lie over.

Mr. Waples, of Orleans, moved that the chair appoint a committee of three to inquire and report to the Convention what amount the Convention is now expending for printing.

Mr. Wickliffe, of Orleans, moved to amend by requesting the Committee on Printing to furnish the required information.

Mr. Waples, of Orleans, raised the point of order that the amendment, being not germane to the subject matter of the original motion, was not in order.

And the chair so ruled.

Mr. Newsham, of West Feliciana, moved to lay the motion and amendment on the table.

The ayes and nays were ordered and called with the following result—ayes 55, nays 34 as follows :

Yea : Baker, Blackburn, Bonseigneur Brown, Burrel, Cromwell, Cuney, Demarest P. G. Deslonde, Jos. Deslonde, Donato Douglass, U. Dupart, Francois, Gair, Gardiner, Guichard, Harper, Hampstead, Hiestand, Ingraham, R. H. Isabelle, Jackson Jones, Lange, Leroy, J. B. Lewis, R. Lewis Marie, Massicot, Meadows, McLeran, Morris, Murrel, Moses, Newsham, Oliver Packard, Pierce, Pinchback, Poindexter Pollard, Reagan, Reese, Riard, Riggs Schwab, Smith, Snaer, Scott, Thibaut Tinchant, Valfroit, Wickliffe, Wilson—55

Nays : Messrs. Antoine, Barret, Belder Berthonneau, Blandin, Bonnefoi, Butler Cooley, Crane, Crawford, Dearing, Depasseau, G. Duparte, Duplessis, Esnard, Feuguson, Harris, Harrison, Thomas Isabelle Kelso, Landers, Ludeling, Martin, McMillan, Mushaway, Myers, Roberts, Rodriguez Snider, Steele, Underwood, Vandergrif Waples, Williams—34.

And the motion to table prevailed.

Mr. Berthonneau, of Orleans, moved that the Committee on Contingent Expenses be instructed to furnish, as early as possible, detailed account of expenses incurred by this Convention, up to this date. Adopted.

Mr. Cooley, chairman of the Committee on Draft of the Constitution, in behalf of the Committee, requested the Convention to appoint a clerk for the committee.

Mr. Jones, of Orleans, raised a point of order, that under the rules a clerk was allowed to each standing committee, and the chair so ruled.

Mr. R. H. Isabelle, of Orleans, moved that when the Convention adjourn it adjourn to meet this evening at six o'clock p. m.

Pending the consideration of which, the Convention, on motion of Mr. Ludelin of Ouachita, adjourned until to-morrow at 12 o'clock m.

A true copy :

WM. VIGERS, Secretary.

## TWENTIETH DAY.

NEW ORLEANS, Thursday, Dec. 19, 1867

The Convention met pursuant to adjournment at 12 o'clock m.

The President took the chair and called the Convention to order.

The roll was called and the following members answered to their names:

President J. G. Taliaferro, Messrs. Antoine, Barret, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Cromwell, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, G, Duparte, Dupart, Duplessis, Esnard, Francois, Fuller, Gair, Gardiner, Gould, Guichard, Harris, Harrison, Heampstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLeran, Morris, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Roberts, Riggs, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—85 members present.

The Convention was opened with prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Smith, of Orleans:

WHEREAS, It is to the interest of the people of Louisiana that the cultivable lands of this State should be more equitably distributed than under the present system; therefore, be it

*Resolved*, That the Legislature at its first session after the ratification of this Constitution be and is empowered and instructed to pass an act or acts enabling a majority of the heirs or parties interested in said landed property, by petition to any court of competent jurisdiction, to have said property divided in kind among said heirs or parties.

Laid over under the rules.

By Mr. Smith, of Orleans:

*Resolved*, That any amendment or amendments to this Constitution may be proposed in the House of Representatives, and if the same be agreed to by a majority of both Houses the said amendments shall be submitted to the people at the next general election, and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become part of the Constitution. If more than one amendment be submitted at a time they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

Referred to Committee on Draft of Constitution.

By Mr. Tinchant, of Orleans :

*Resolved*, That no member shall be allowed more than two minutes to explain his vote on any question unless by special leave of the Convention, after the yeas and nays have been called for.

Lies over.

By Mr. Marie, of Terrebonne :

WHEREAS, The contracts between the freedmen and their employers will expire at the end of the present month ; and

WHEREAS, Some instructions from this Convention to the laboring classes, appraising them of their rights and duties, and giving them useful advice would without doing injury to the employers, greatly benefit the freedmen ; therefore, be it

*Resolved*, That a committee of five be appointed, whose duty shall be to draft an address to the people of Louisiana, giving them information and advice in regard to the best means of securing their rights and protecting their interests; be it further

*Resolved*, That copies of said address to the people of Louisiana be printed, to wit: — copies in English, and — copies in French.

Br. Mr. Morris, of Ascension:

*Be it enacted by the Convention*, That it shall not be lawful to live in adultery and fornication in this State.

*Resolved*, That this shall be an article in the Constitution of Louisiana.

By Mr. Antoine, of Caddo :

*Resolved*, That each member of this Convention submits the name of all persons within their respective parishes disfranchised by Congress, who have accepted in good faith and urged the adoption of the present Congressional plan of reconstruction.

*Resolved*, That the names of all such persons be forwarded to Congress as worthy of being excepted from disfranchisement, provided no person whose name may be thus submitted shall be forwarded to Congress until it shall be indorsed by this Convention by yeas and nays taken thereon.

Laid on the table subject to call.

By Mr. Burrel, of St. John the Baptist:

*Resolved*, That the commissioners of election who presided at the different election precincts throughout this State on the 27th and 28th of September, 1867, be allowed the sum of eight dollars (\$8) *per diem*, the same to be paid on the certificate of the chairman of the Board of Registrars of the respective parishes.

Laid over under the rules.

Mr. Belden, of Orleans, moved to suspend the rules to pass the resolution to its second reading. Adopted.

Mr. Crawford, of Caldwell, moved to amend by striking out eight dollars and inserting three dollars.

Mr. Cooley, of Point Coupee, offered the following amendment:

That each parish in the State be required to pay the commissioners of election appointed therein by the military authorities to hold the elections of the 27th and 28th September, 1867.

Mr. Reagan, of East Baton Rouge, offered the following amendment:

*Resolved*, That commissioners and clerks of election held on the 27th and 28th of September, 1867, be allowed the same *per diem* as members of this Convention; and that said commissioners and clerks be and are hereby instructed to present bills to the commander of the Fifth Military District for payment.

Mr. Belden, of Orleans, moved to lay the original resolution and the amendments on the table subject to call, and that the chair appoint a committee to wait upon the Commander of the Fifth Military District, to inquire if any action is necessary on the part of the Convention to secure the payment by military order of the Commissioners of election, and to report to the Convention.

Mr. Wickliffe, of Orleans, offered the following amendment to Mr. Belden's motion:

That a committee of three be appointed to wait on General Hancock, to learn whether he will order the payment of the *per diem* of Commissioners of election appointed under the reconstruction acts of Congress, and who acted in this State in that capacity on the 27th and 28th of September, 1867, provided their *per diem* be fixed by this Convention.

Which was accepted by the mover.

The question was put upon the motion of Mr. Belden as amended, and it was adopted.

Mr. Newsham, of West Feliciana, moved:

That the Sergeant-at-Arms be instructed to furnish the morning papers to each member of the Convention; *Provided*, That no member shall be allowed more than four papers daily.

Mr. Lynch, of Carroll, moved to amend by providing that each member pay for his own papers.

Mr. Wickliffe, of Orleans, moved to lay

on the table the motion and amendment. Adopted.

By Mr. Bonseigneur, of Orleans:

*Resolved*, That it shall be the duty of the first Legislature convened in this State after the adoption of this Constitution to ascertain the total indebtedness of the State, and to issue bonds therefor having not more than (40) forty years to run, and bearing interest at the rate of (6) six per cent. per annum, payable in United States currency at maturity; and in order to provide for the prompt payment of said bonds at maturity, there shall be annually assessed and collected a tax of two (2) mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied to the redemption of said bonds at maturity.

Lies over.

#### REPORT OF STANDING COMMITTEES.

Committee on Enrollment—Progress.

Committee on Printing—No report.

Committee on Contingent Expenses—Progress.

Committee on Draft of the Constitution—Progress.

#### UNFINISHED BUSINESS.

By Mr. Smith, of Orleans:

WHEREAS, There has been no committee appointed to investigate the city charter of New Orleans; and

WHEREAS, The Legislature of 1867 by its enactments passed laws depriving loyal citizens of rights clearly enjoyed under the Constitution of the United States; therefore, be it

*Resolved*, That a committee of nine be appointed by the chair, to be known as a Committee on City Charter, whose duty it shall be to examine said charter and report to the Convention the changes deemed necessary to secure the equal rights of all citizens of said city, without regard to race, color or previous condition.

Mr. Smith moved to adopt.

Mr. Beronneau, of Orleans, moved to lay on the table. Adopted.

By Mr. Wickliffe, of Orleans:

*Resolved*, That we respectfully petition Congress to pass a law requiring all United States Marshals in all cases of the sale of real or immovable property in the States lately in rebellion, to be ordered by the decisions of any United States court within the said States, to have all such lands surveyed and divided into tracts of not more than one hundred and sixty acres, and allowing no person, firm, association, company, or corporation, to purchase more

than one of said tracts of one hundred and sixty acres at any one sale.

*Resolved.* That a copy of this resolution be forwarded by the Secretary of this Convention to the President of the Senate and Speaker of the United States House of Representatives.

Mr. Wickliffe, of Orleans, moved to adopt.

Mr. Cromwell, of Orleans, offered the following amendment:

Not more than one hundred acres nor less than five.

Which was accepted, and the resolution as amended was adopted.

On motion of Mr. Bertonneau, of Orleans, the Convention adjourned until tomorrow at 12 o'clock.

A true copy :

WM. VIGERS, Secretary.

#### TWENTY-FIRST DAY.

NEW ORLEANS, Friday, Dec. 20, 1867.

The Convention met at 12 o'clock M., pursuant to adjournment.

The President, J. G. Taliaferro, called the Convention to order.

The roll was called and the following members answered to their names:

Messrs. Taliaferro, Antoine, Baker, Barret, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Edwards, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLaran, McMillan, Morris, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Smith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—87 members present.

The Convention was opened with prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

Mr. Cooley, of Point Coupee, Chairman of the Committee on Draft of the Constitution, reported that owing to the want of a

clerk, the committee had worked until 4 o'clock this morning, but were not yet quite prepared with their report and asked leave to retire to complete it, which was granted.

ORIGINAL RESOLUTIONS.  
By Mr. Smith, of Orleans :

WHEREAS, Under the present City Charter, a large class of the loyal citizens of the city of New Orleans, by an unjust law passed by the last Legislature, are thereby deprived of their vested rights under the Constitution of the United States; therefore, be it

*Resolved,* That a committee of seven be appointed by the chair, to be known as a Committee on City Charter, whose duty it shall be to examine said charter and report to this Convention the changes necessary to secure the equal rights and privileges to all citizens, without regard to race, color or previous condition. Lies over under the rules.

By Mr. Burrel, of St. John the Baptist:

WHEREAS, That Sunday, the first day of the week, is set apart by Christian nations, as a day of rest and worship to Almighty God; therefore, be it

*Resolved,* That the Legislature of this State shall pass such suitable laws as will forbid all secular labor on the Sabbath day as well as to prevent the indulgence of such practice as tend to deprave the morals of the community, that pugilistic encounters, gambling, horse-racing and other immoral practices be strictly prohibited.

*Resolved,* That the parish and municipal authorities of this State held by legislative enactments be strictly responsible under severe penalties for the enforcement of these laws. Lies over under the rules.

By Mr. Twitchell, of Bienville:

*Resolved,* That members be limited to ten minutes of time in all speeches, except by permission of two thirds of the Convention.

Lies over under the rules.

By Mr. Reagan, of East Baton Rouge:

AN ORDINANCE TO RELIEVE PURCHASERS OF LAND LIABLE TO CONFISCATION.

*Be it ordained by the people of Louisiana in Convention assembled,* That inasmuch as it has come to the knowledge of this Convention, that many good and loyal citizens have, in good faith, purchased land in this State, for which final payment has not yet been made; and inasmuch as said land, by future acts of Congress may be liable to confiscation, thereby subjecting the purchasers to much inconvenience and perhaps great sacrifices. All executions that have been or hereafter may be issued upon lands, the

title of which is in jeopardy as herein above described, are hereby suspended and of no effect, when competent testimony is adduced in any court having jurisdiction, proving the evidence of such obstruction to title; *Provided*, When Congress shall have removed the difficulties herein provided for, the meaning and intent of this ordinance will cease, and its provisions be rendered null and void.

Mr. Reagan moved to print 100 copies of the resolution, and that it be made the special order for Tuesday, at one o'clock P. M.

Mr. Wickliffe, of Orleans, moved to lay on the table subject to call. Adopted.

The President announced the appointment of the committee to wait upon General Hancock in reference to the subject of the pay of Commissioners of Election, as follows:

Messrs. Belden, Wickliffe and Bertonneau.

Mr. Wickliffe, at his request, was excused from serving on the committee, and Mr. Barret appointed in his place.

Mr. Barret, at his request, was excused, and Mr. Underwood appointed in his place.

#### REPORTS OF STANDING COMMITTEES.

Committee on Enrollment—Progress.

Committee on Printing—No report.

#### UNFINISHED BUSINESS.

By Mr. Steele, of Tensas:

WHEREAS, There are loyal men in this State who have assisted in reconstruction, but who are disfranchised under the Reconstruction bill, and

WHEREAS, Congress has provided upon popular representation for the removal of disabilities in such cases; therefore, be it

*Resolved*, That a special committee, to consist of five members, shall be appointed by the President, whose duty it shall be to receive from the different members and report to this Convention the names of such loyal men in this State as are disfranchised, that the Convention may memorialize Congress, asking for the removal of disabilities in such cases.

Mr. Smith, of Orleans, moved to amend by inserting the words "excepting registered enemies." Amendment accepted.

Mr. Pinchback, of Orleans, moved to postpone until after the adoption of the Constitution.

Mr. R. H. Isabelle, of Orleans, submitted the following amendment:

*Resolved*, That a committee of five be appointed by the chair to ascertain the names of widows and orphans whose husbands and fathers were slain in the Union army in this State.

The whole subject was, on motion of Mr. Tinchant, laid on the table subject to call.

Mr. Hempstead, of Assumption, moved to reconsider the vote to table.

Mr. Jones, of Orleans, moved to lay the motion to reconsider on the table. Adopted.

Mr. Cooley, chairman of the Committee on Draft of the Constitution, submitted the following report of the majority of the Committee :

We, the Committee appointed to draft a Constitution, although differing among ourselves on various articles, have agreed upon the following as a whole, and recommend its adoption.

Respectfully submitted,

W. H. COOLEY, Chairman;  
RUFUS WAPLES,  
T. S. CRAWFORD,  
J. T. LUDELING,  
W. L. McMILLAN.

#### PREAMBLE.

We, the people of Louisiana, in order to establish justice, insure domestic tranquility, promote the general welfare and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish this Constitution :

#### TITLE I—BILL OF RIGHTS.

ARTICLE 1. All persons, without regard to race, color or previous condition, born or naturalized in the United States, and inhabitants of this State, for one year, are citizens of this State. They shall enjoy the same civil and political rights and privileges, and be subject to the same pains and penalties.

ART. 2. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

ART. 3. The press shall be free; every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of this liberty.

ART. 4. The right of the people peaceably to assemble and to petition the government or any department thereof, shall never be abridged.

ART. 5. Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an im-

partial jury of the parish in which the offense was committed, unless the venue be changed. He shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor. He shall not be tried twice for the same offense.

ART. 6. All persons shall be bailable by sufficient securities, unless for capital offenses where the proof is evident or the presumption great, or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended.

ART. 7. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

ART. 8. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or things to be seized.

ART. 9. All courts shall be open; and every person, for an injury done him in his land, goods, person or reputation, shall have adequate remedy by due process of law, and justice administered without denial or unreasonable delay.

ART. 10. No law shall be passed regulating labor and fixing the price thereof.

ART. 11. Every person has the natural right to worship God according to the dictates of his conscience. No religious test shall be required as a qualification for office.

ART. 12. The rights enumerated in this title shall not be construed to limit or abridge other rights of the people not herein expressed.

## TITLE II—LEGISLATIVE DEPARTMENT.

ART. 13. The legislative power of the State shall be vested in two distinct branches. The one to be styled "the House of Representatives," the other "the Senate," and both "the General Assembly of the State of Louisiana."

ART. 14. The members of the House of Representatives shall continue in office for two years from the day of the closing of the general election.

ART. 15. Representatives shall be chosen on the first Monday in November every two years, and the election shall be completed in one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed,

by law, and their sessions shall be held at the seat of government.

ART. 16. Every elector, under this Constitution, shall be eligible to a seat in the House of Representatives, and every elector who has reached the age of twenty-eight years, shall be eligible to the Senate; *Provided*, That no person shall be a representative or senator, unless at the time his election, he be a qualified elector of the representative or senatorial district from which he is elected.

ART. 17. Elections for members of the General Assembly shall be held at the several election precincts established by law.

ART. 18. Representation in the House of Representatives shall be equal and uniform, and shall be ascertained and regulated by the number of qualified electors; each parish in the State being entitled to at least one Representative. An enumeration of the qualified electors of this State, by the State authorities, shall be made in 1875, and every ten years thereafter, for the purpose of ascertaining the total population, as well as the number of qualified electors in each parish and election district; and in case of informality, omission or error, in the census returns from any district, the Legislature shall order a new census taken in such parish or election district.

ART. 19. At the first session of the Legislature, after the making of each enumeration, the Legislature shall apportion the representation amongst the several parishes and representative districts, on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and representative district shall have as many Representatives as the aggregate number of its electors will entitle it to have, and an additional Representative for any fraction exceeding one half of the Representative number. The number of Representatives shall never exceed one hundred and twenty, nor be less than ninety.

ART. 20. Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in Art. No. 18, the representation in the Senate and House of Representatives shall be as follows:

For the parish of Orleans:

First Representative District.....	2
Second      "	" .....2
Third      "	" .....4
Fourth     "	" .....1
Fifth      "	" .....2
Sixth     "	" .....1
Seventh   "	" .....2
Eighth    "	" .....1
Ninth     "	" .....1
Tenth    "	" .....3

Orleans, right bank.....	1	New Orleans shall form a district and elect one Senator.
Ascension .....	2	Orleans, Right Bank, and the parish of
Assumption.....	2	Plaquemine shall form one district and elect one Senator.
Avoyelles.....	2	The parishes of Jefferson, St. Charles
Baton Rouge, East.....	3	and St. John Baptist, shall form one district
Baton Rouge, West.....	1	and elect two Senators.
Bienville.....	1	The parishes of Ascension and St. James
Bossier.....	2	shall form one district and elect one Senator.
Caddo .....	3	The parishes of Assumption, Lafourche
Calcasieu.....	1	and Terrebonne, shall form one district and elect two Senators.
Caldwell .....	1	The parishes of Vermillion and St. Mary
Carroll.....	2	shall form one district and elect one Senator.
Catahoula.....	1	The parishes of Calcasieu, Lafayette and
Claiborne.....	2	St. Landry, shall form one district and elect
Concordia.....	2	two Senators.
DeSoto.....	2	The parishes of Livingston, St. Helena,
Feliciana, East.....	2	Washington and St. Tammany shall form
Feliciana, West.....	1	one district and elect one senator.
Franklin .....	1	The parishes of Point Coupee, East
Iberville.....	2	Feliciana and West Feliciana shall form one
Jackson.....	1	district and elect two senators.
Jefferson.....	4	The parish of East Baton Rouge shall
Lafayette.....	1	form one district and elect one Senator.
Lafourche.....	2	The parishes of West Baton Rouge, Iber-
Livingston .....	1	vile and St. Martin shall form one dis-
Madison.....	1	trict and elect two Senators.
Morehouse.....	1	The parishes of Concordia and Avoyelles
Natchitoches .....	2	shall form one district and elect one Sen- ator.
Ouachita .....	2	The parishes of Tensas and Franklin
Plaquemine .....	1	shall form one district and elect one Sen- ator.
Point Coupee .....	2	The parishes of Carroll, Madison and
Rapides .....	3	Morehouse shall form one district and elect
Sabine .....	1	two Senators.
St. Bernard.....	1	The parishes of Ouachita and Caldwell
St. Charles.....	1	shall form one district and elect one Sen- ator.
St. Helena .....	1	The parishes of Jackson and Union shall
St James.....	2	form one district and elect one Senator.
St. John Baptist .....	1	The parishes of Bossier, Bienville and
St. Landry.....	4	Claiborne shall form one district and elect
St. Martin's .....	2	two Senators.
St. Mary's.....	2	The parish of Caddo shall form one dis-
St. Tammany.....	1	trict and elect one Senator.
Tensas .....	2	The parishes of DeSoto, Natchitoches
Terrebonne .....	2	and Sabine shall form one district and elect
Union .....	1	two Senators.
Vermillion .....	1	The parish of Rapides shall form one dis-
Washington .....	1	trict and elect one Senator.
Winn .....	1	The parishes of Catahoula and Winn
Total.....	98	shall form one district and elect one Sen- ator.

And the State shall be divided into the following senatorial districts, to-wit:

The First, Second and Third Representative Districts of New Orleans shall form one senatorial district and elect three Senators.

The Fourth, Fifth and Sixth Representative Districts of New Orleans shall form one district and elect two Senators.

The Seventh, Eighth and Ninth Representative District of New Orleans and the parish of St. Bernard shall form one district and elect two Senators.

The Tenth Representative District of

—		Thirty-six Senators in all.
ART. 20.		The House of Representatives shall choose its Speaker and other officers.
ART. 21.		Electors, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during their

attendance on, going to and returning from elections.

ART. 22. At its first session under this Constitution, the General Assembly shall provide by law that the names and residence of all qualified electors shall be registered in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 23. No person shall be entitled to vote at any election held in this State, except in the parish of his residence and at the election precinct in which he is registered.

ART. 24. The members of the Senate shall be elected for the term of four years, and when assembled the Senate shall have power to choose its own officers.

ART. 25. The General Assembly shall divide the State into senatorial districts whenever it apportions representation in the House of Representatives.

ART. 26. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish be created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall be thirty-six, and they shall be apportioned among the senatorial districts according to the electoral population of said districts.

ART. 27. In all apportionments of the Senate, the electoral population of the whole State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator.

Single or contiguous parishes shall be formed into districts, having a population the nearest possible to the number entitling a district to a Senator; and if the apportionment to make a parish or district fall short of or exceed the ratio, then a district may be formed having not more than two Senators; but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the 19th article, the Legislature shall not pass any law till an apportionment of representation in both Houses of the General Assembly be made.

ART. 28. At the first session of the General Assembly, after this Constitution goes into effect, the Senators shall be divided equally, by lot, into two classes; the seats of the Senators of the first class to be vacated at the expiration of the term of the first House of Representatives; of the second

class at the expiration of the term of the second House of Representatives; so that one half shall be chosen every two years successively. When a district shall have elected two Senators, their respective terms of office shall be determined by lot.

ART. 29. The first election for Senators shall be held at the same time with the election for Representatives; and thereafter there shall be elections of Senators at the same time with each general election of Representatives, to fill the places of those Senators whose term of office may have expired,

ART. 30. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members.

ART. 31. Each House of the General Assembly shall judge of the qualifications, election and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

ART. 32. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of two thirds, expel a member; but not a second time for the same offense.

ART. 33. Each House of the General Assembly shall keep and publish weekly a journal of its own proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

ART. 34. Each House may punish, by imprisonment, any person not a member, for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

ART. 35. Neither House shall adjourn for more than three days, nor to any other place than that in which it may be sitting, during the sessions of the General Assembly, without the consent of the other.

ART. 36. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the House of Representatives by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement. And any legislative action had after the expiration of said

period of sixty days shall be null and void; but this last provision shall not apply to the first session of the Legislature that shall convene after the adoption of this Constitution.

ART. 37. The members of the General Assembly, in all cases except treason, felony and breach of the peace, shall be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same; and for any speech or debate in either house shall not be questioned in any other place.

ART. 38. No Senator or Representative, during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which may have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election by the people.

ART. 39. No person, while he continues to exercise the functions of a clergyman of any religious denomination whatever, shall be eligible to the General Assembly.

ART. 40. No bill shall have the force of a law, until, on three several days it be read over in each House of the General Assembly, and free discussion allowed thereon; unless in case of urgency, four fifths of the house where the bill is pending, may deem it expedient to dispense with this rule.

ART. 41. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills; *Provided*, It shall not introduce any new matter under the color of an amendment, which does not relate to raising revenue.

ART. 42. The General Assembly shall regulate by whom and in what manner, writs of election shall be issued to fill the vacancies which may occur in either branch thereof.

ART. 43. The Senate shall vote on the confirmation or rejection of the officers to be appointed by the Governor with the advice and consent of the Senate, by yeas and nays; and the names of the Senators voting for and against the appointments, respectively, shall be entered on the journals to be kept for the purpose, and made public on or before the end of each session.

ART. 44. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

ART. 45. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the hall of the House of Representatives on the second

Monday following the meeting of the Legislature, and proceed to said election.

### TITLE III—EXECUTIVE DEPARTMENT.

ARTICLE 46. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for representatives shall vote for Governor and Lieutenant Governor at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then to be holden. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for Lieutenant Governor shall be Lieutenant Governor; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

ART. 47. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election, nor shall any person be eligible to either office, who has not attained the age af thirty-five years.

ART. 48. The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 49. The Governor shall enter on the discharge of his duties on the second Monday in January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

ART. 50. No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of Governor or Lieutenant Governor.

ART. 51. In case of impeachment of the Governor, his removal from office, death,

refusal or inability to qualify, or to discharge the powers and duties of his office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted, or the disability be removed. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and the Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, or for the remainder of the term.

ART. 52. The Lieutenant Governor or officer discharging the duties of Governor, shall during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

ART. 53. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall only vote when the Senate is equally divided. Whenever he shall administer the government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

ART. 54. The Governor shall receive a salary of eight thousand dollars per annum, payable quarterly, on his own warrant.

ART. 55. While acting as president of the Senate, the Lieutenant Governor shall receive for his service the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and no more.

ART. 56. The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons, remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

ART. 57. He shall be Commander-in-Chief of the militia of this State, except when they shall be called into the service of the United States.

ART. 58. He shall nominate, and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution, and whose appointments are not herein otherwise provided for; *Provided*, however, that the Legislature shall have right to prescribe the mode of appointment to all other offices established by law.

ART. 59. The Governor shall have power

to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session thereof, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate, shall be appointed to the same office, during the recess of the Senate.

ART. 60. He may require information, in writing, from the officers in the Executive Department upon any subject relating to the duties of their respective offices.

ART. 61. He shall, from time to time, give to the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 62. He may, on extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 63. He shall take care that the laws be faithfully executed.

ART. 64. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it, if he do not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be likewise reconsidered, and if approved by a majority of the members elected to that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return, in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

ART. 65. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be

approved by him, or, being disapproved, shall be repassed by a majority of the members elected to each house of the General Assembly.

ART. 66. There shall be a Secretary of State, who shall hold his office during the term for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them; he shall, when required, lay the said register, and all papers, minutes and vouchers, relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 67. There shall be a Treasurer of the State and an Auditor of Public Accounts, who shall hold their respective offices during the term of four years. At the first election under this Constitution, the Treasurer shall be elected for two years.

ART. 68. The Secretary of State, Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State; and in case of any vacancy caused by the resignation, death or absence of the Secretary, Treasurer or Auditor, the Governor shall order an election to fill said vacancies.

ART. 69. The Treasurer and the Auditor shall receive a salary of five thousand dollars per annum each. The Secretary of State shall receive a salary of three thousand dollars per annum.

ART. 70. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the seal of the State, signed by the Governor and countersigned by the Secretary of State.

#### TITLE IV—JUDICIARY DEPARTMENT.

ART. 71. The judicial power shall be vested in a Supreme Court, in district courts, in parish courts and in Justices of the Peace.

ART. 72. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars; and to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature whatsoever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures, and penalties, imposed by municipal corporations, and in such cases the appeal shall be direct from the court in which the case originated to the Supreme Court; and in criminal cases, on question of law only, whenever the punishment of

death, or imprisonment at hard labor has been inflicted, or when a fine exceeding five hundred dollars is actually imposed.

ART. 73. The Supreme Court shall be composed of one Chief Justice, and four Associate Justices; a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of seven thousand five hundred dollars, and each of the Associate Justices a salary of seven thousand dollars, annually, payable quarterly on their own warrants. The Chief Justice and the Associate Justices shall be appointed by the Governor, with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practiced law in this State five years before their appointment. The court shall appoint its own clerks they may remove them at pleasure.

ART. 74. The Supreme Court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of May. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 75. The Supreme Court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody, in all cases when they may have appellate jurisdiction.

ART. 76. No judgment shall be rendered by the Supreme Court, without the concurrence of a majority of the judges composing the court. Whenever the majority cannot concur, in consequence of the recusation of any member of the court, the judges not recused shall have power to call upon any judge or judges of the district courts, whose duty it shall be, when so called upon, to preside in the place of the judge or judges recused, and to aid in determining the case.

ART. 77. All judges by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of "The State of Louisiana," and conclude "Against the peace and dignity of the same."

ART. 78. The judges of all courts whenever practicable, shall refer to the law, in virtue of which every definitive judgment is rendered; but in all cases they shall adduce the reasons on which their judgment is founded.

ART. 79. The judges of all courts shall be liable to impeachment, for high crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them, on the address of two thirds of the

members elected to each House of the General Assembly. In every such case the cause or causes, for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

ART. 80. No duties or functions shall ever be attached, by law, to the Supreme district courts or the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duties performed by them.

ART. 81. The Legislature shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to reorganization every sixth year. For each district court one judge, learned in the law, shall be appointed by the Governor or with the advice and consent of the Senate. In each district, there shall be one district court; except in the parish of Orleans, in which the Legislature may establish as many district courts as the public interest may require. Until otherwise provided, there shall be seven district courts for the parish of Orleans, to be designated as follows: the criminal court, the probate court, the court of appeals from justices' courts, and the fourth, fifth, sixth and seventh district courts. The number of districts in the State shall not be less than twelve nor more than twenty. The judges of the district courts shall appoint the clerks of their respective courts, and may remove them at pleasure.

ART. 82. Each of said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than five thousand dollars. He must be a citizen of the United States, over the age of thirty years, and have practiced law for the space of five years, the last three years thereof in the State, next preceding his appointment. The Judges of the district court shall hold their office for the term of six years.

ART. 83. The district courts shall have original jurisdiction in all civil cases, not probate, when the amount in dispute exceeds five hundred dollars, exclusive of interest. They shall have concurrent jurisdiction with the parish courts, in probate matters, when there exists a contestation, and the amount in dispute is over five hundred dollars, exclusive of interest. In criminal cases their jurisdiction shall be unlimited. They shall have appellate jurisdiction in civil ordinary suits, when the amount in dispute exceeds one hundred dollars, exclusive of interest.

ART. 84. For each parish court, one judge, learned in the law, shall be appointed by the Governor with the advice and consent of the Senate. He shall hold his office for the term of six years. He shall receive a salary, and fees to be prescribed by law, until otherwise provided. Each parish judge shall receive a salary of one thousand dollars per annum, and such fees as are now established by law for clerks of courts. He shall be a citizen of the United States, and shall have practiced law in the State two years next preceding his appointment.

ART. 85. The parish courts shall have concurrent jurisdiction with the justices of the peace in all cases, when the amount in controversy is more than twenty-five dollars, and less than one hundred dollars, exclusive of interest. They shall have exclusive original jurisdiction, in ordinary suits, in all cases, when the amount in dispute exceeds one hundred dollars and does not exceed five hundred dollars; subject to an appeal to the district court, in all cases, when the amount in contestation exceeds one hundred dollars, exclusive of interest. In probate matters, they shall have concurrent jurisdiction with district courts in all cases, when there exists a contestation or suit and the amount in dispute exceeds five hundred dollars. In all other cases they shall have exclusive original jurisdiction in probate matters. In criminal matters, the parish court shall have jurisdiction in all cases, when the penalty is not necessarily imprisonment at hard labor, or death, and when the accused shall waive trial by jury. They shall also have the power of a committing magistrate, and such other jurisdiction as may be conferred on them by law. There shall be no trial by jury before the parish courts.

ART. 86. In all probate matters, when the amount in dispute shall exceed five hundred dollars, exclusive of interest, the appeal shall be directly from the parish to the Supreme Court.

ART. 87. The Justices of the Peace shall be elected by the electors of each parish, in the manner to be provided by the General Assembly. They shall hold office for the term of two years, and their compensation shall be fixed by law. Their jurisdiction in civil cases shall not exceed one hundred dollars, exclusive of interest—subject to an appeal to the parish court, in all cases when the amount in dispute shall exceed twenty-five dollars, exclusive of interest. They shall have such criminal jurisdiction as shall be provided for by law.

ART. 88. In any case when the Judge may be recused, and when he is not personally interested in the matters in contestation, he

shall select a lawyer, having the qualifications required for judges of the courts, to try such cases. And when the Judge is personally interested in the suit, he shall call upon the parish or district Judge as the case may be, to try the case.

ART. 89. The General Assembly shall have power to vest in the parish Judges the right to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the power thus granted shall be specified and determined.

ART. 90. There shall be an Attorney General for the State, and a District Attorney for each judicial district until otherwise provided by law, who shall be appointed by the Governor with the advice and consent of the Senate. They shall be selected from among those who are licensed to practice law in this State.

ART. 91. A Sheriff and a Coroner shall be appointed in each parish, by the Governor, with the advice and consent of the Senate, for the term of four years. As many constables as may be designated by law shall be elected by the registered voters of the several districts or wards.

#### TITLE VI—IMPEACHMENT.

ART. 92. The power of impeachment shall be vested in the House of Representatives.

ART. 93. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the inferior courts, Justices of the Peace excepted, shall be tried by the Senate; the Chief Justice of the Supreme Court, or the senior judge thereof, shall preside during the trial of such impeachment. Impeachments of the Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the Senators present.

ART. 94. Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

#### TITLE VI—GENERAL PROVISIONS.

ART. 95. Every male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and who shall have been an inhabitant in this State one year next preceding an election, and the last three months within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this Constitu-

tion, paupers and persons under interdiction. No person who shall attain the age of twenty-one years after the first day January, eighteen hundred and seventy-two, or who shall come into the State after that day, shall be allowed to vote until he can read and write. No elector shall be permitted to vote at any election who shall not have paid the taxes due by him to the State at the time he offers to vote.

ART. 96. The following persons shall be prohibited from voting or from holding any office of honor, trust or profit in this State, to wit: All persons who shall have been convicted of treason, perjury, forgery, bribery, other crime punishable by imprisonment, hard labor, all paupers and persons under interdiction, and all leaders or officers of guerrilla bands during the late war or rebellion. The following persons shall be prohibited from voting or holding any office of honor, trust or profit in this State until after the first of January, one thousand eight hundred and seventy-eight, to wit: All persons who, before the first of June, one thousand eight hundred and sixty-one, held the office of Vice-President, Secretary of State, Secretary of War, Secretary of the Interior, Secretary of the Treasury, Postmaster General, or Attorney General of the United States, diplomatic agents of the United States, members of Congress, Judges of the Supreme, circuit and district courts of the United States, Governors and Lieutenant Governors of this State or of other States, Judges of the Supreme and district courts of this State, judges of the courts of last resort of other States, members of the Legislature of this State, since the adoption of the Constitution of 1852, who approved or encouraged the secession of this State or another State, members of secession conventions who voted for or signed the ordinance of secession, and commissioned officers of the army or navy of the United States, who at any time engaged in the late rebellion. *Provided*, The Legislature may, by a vote of two thirds of each House, remove such disability.

ART. 97. Members of the General Assembly, and all other officers, before they enter upon the duties of the offices, shall take the following oath or affirmation: (A B) do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, and the Constitution and laws of this State, and that I will faithfully and impartially discharge and perform the duties incumbent on me as \_\_\_\_\_, according to the best of my ability and understanding. So help me God.

ART. 98. Treason against the State shall

nsist only in levying war against it, or in  
hering to its enemies—giving them aid  
and comfort. No person shall be convicted  
of treason except on the testimony of two  
witnesses to the same overt acts or on his  
confession in open court.

ART. 99. All penalties shall be proportioned  
to the nature of the offense.

ART. 100. The privilege of free suffrage  
shall be supported by laws regulating  
elections, and prohibiting, under adequate  
penalties, all undue influence thereon from  
power, bribery, tumult or other improper  
practice.

ART. 101. No money shall be drawn from  
the Treasury, but in pursuance of specific  
appropriations made by law; a statement  
and account of receipts and expenditures  
of all public moneys shall be made annual-  
ly in such manner as shall be prescribed by  
law.

ART. 102. All civil officers of the State at  
large shall be voters of and reside within  
the State; and all district or parish officers  
shall reside within their respective districts  
or parishes, and shall keep their offices at  
such place therein as may be required by  
law.

ART. 103. All civil officers shall be revocable  
by an address of two thirds of the  
members elect to each House of the General  
Assembly, except those whose revo-  
cation is otherwise provided for by this  
institution.

ART. 104. In all elections by the people  
the vote shall be taken by ballot; and in all  
elections by the Senate and House of Rep-  
resentatives, jointly or separately, the vote  
shall be given *viva voce*.

ART. 105. No member of Congress or  
person holding or exercising any office of  
trust or profit under the United States or  
under any foreign power, shall be eligible as a  
member of the General Assembly, or hold  
or exercise any office of trust or profit under  
the State.

ART. 106. None but citizens of the  
United States and of this State shall be  
appointed to any office of trust or profit in  
the State.

ART. 107. The laws, public records and  
judicial and legislative written proceedings  
of the State shall be promulgated,  
preserved and conducted in the English  
language.

ART. 108. No power of suspending the  
laws of this State shall be exercised except  
by the General Assembly.

ART. 109. No *ex post facto* or retroactive  
law, nor any law impairing the obligation  
of contracts, shall be passed, nor vested  
rights be divested, unless for purposes of  
public utility and for adequate compensation  
therefor previously made.

ART. 110. Whenever the General Assem-  
bly shall contract a debt exceeding in  
amount the sum of one hundred thousand  
dollars, unless in case of war, to repel inva-  
sion or suppress insurrection, it shall in  
the law creating the debt provide adequate  
ways and means for the payment of the  
current interest and of the principal when  
the same shall become due, and the said  
law shall be irrepealable unless principal  
and interest be fully paid, or unless the  
repealing law contains some adequate pro-  
vision for the payment of the principal and  
interest of the debt.

ART. 111. The General Assembly shall  
provide by law for all change of venue in  
civil and criminal cases.

ART. 112. The General Assembly may  
enact general laws regulating the adoption  
of children, emancipation of minors and  
the granting of divorces; but no special  
law shall be passed relating to particular or  
individual cases.

ART. 113. Every law passed by the Gen-  
eral Assembly shall embrace but one object,  
and that shall be expressed in the title.

ART. 114. No law shall be revived or  
amended by reference to its title; but in  
such case the revived or amended section  
shall be re-enacted and published at length.

ART. 115. The General Assembly shall  
never adopt any system or code of laws by  
general reference to such system or code of  
laws; but in all cases shall specify the  
several provisions of the law it may enact.

ART. 116. No person shall hold or exer-  
cise, at the same time, more than one office  
of trust or profit except that of Justice of  
the Peace or Notary Public.

ART. 117. Taxation shall be equal and  
uniform throughout the State; all property  
shall be taxed in proportion to its value, to  
be ascertained as directed by law; the Gen-  
eral Assembly shall have power to exempt  
from taxation property actually used for  
church, school or charitable purposes. The  
General Assembly may levy an income tax  
upon all persons pursuing any occupation,  
trade or calling, and all such persons shall  
obtain a license, as provided by law. All  
tax on income shall be *pro rata* on the  
amount of income, or business done. The  
General Assembly shall levy a poll tax on  
all male inhabitants of this State, over  
twenty-one years old, for school and chari-  
table purposes, which tax shall never ex-  
ceed one dollar and fifty cents per annum.

ART. 118. None of the lands granted by  
Congress to the State of Louisiana for  
aiding in constructing the necessary levees  
and drains to reclaim the swamp and  
overflowed lands of the State, shall be  
diverted from the purpose for which they  
were granted.

ART. 119. No liability, either State, parochial or municipal, shall exist for any debts contracted for or in the interest of the rebellion against the United States Government.

ART. 120. The General Assembly may determine the mode of filling vacancies in all offices for which provision is not made in this Constitution.

ART. 121. The General Assembly shall pass no law requiring a property qualification for office.

ART. 122. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

ART. 123. The General Assembly shall provide for the protection of the rights of married women to their paraphernal property and for the registration of the same, but no mortgage or privilege shall hereafter affect third parties unless recorded in the parish where the property to be affected is situated. The tacit mortgages and privileges now existing in this State shall cease to have effect against third persons after the first day of January, one thousand eight hundred and seventy, unless duly recorded. The General Assembly shall provide by law for the registration of all mortgages and privileges.

ART. 124. The General Assembly at its first session under this Constitution shall provide an annual pension for the veterans of 1814 and 1815.

ART. 125. The General Assembly at its first session under this Constitution shall provide for the registration of voters throughout the State, and no one shall be permitted to vote unless registered.

ART. 126. The military shall be insubordination to the civil power.

ART. 127. It shall be the duty of the General Assembly to provide for the maintenance of all paupers, and to require each parish to support those residing within its limits.

ART. 128. All obligations given for Confederate money are null and void, and shall not be enforced in the courts of this State.

ART. 129. Obligations for the sale of persons in the past and still unexecuted, are null and void, and shall not be enforced by the courts of this State.

ART. 130. The seat of government shall be established at the city of Baton Rouge, and shall not be removed without the consent of two thirds of the members of both Houses of the General Assembly.

#### TITLE VII—INTERNAL IMPROVEMENTS.

ART. 131. There shall be a board of public works to consist of one commissioner

for each congressional district of the State.

ART. 132. The Governor shall appoint the commissioners by and with the advice and consent of the Senate.

ART. 133. The commissioners shall reside in the districts, and shall hold office for four years from the date of their appointment.

ART. 134. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the organization of the board of public works, prescribe its duties and fix the compensation of the commissioners and all officers employed on the public works.

ART. 135. The commissioners and such of the officers employed on the public works as may be determined by the General Assembly, shall give such bond for the faithful performance of their duties as shall be prescribed by law.

#### TITLE VIII—EDUCATION.

ART. 136. It shall be the duty of the General Assembly to make provision for the education of all the youths in the State between the ages of six and eighteen years without prejudice or partiality to any.

ART. 137. The proceeds of all lands heretofore granted by the United States for the use and support of public schools, and all lands or other property which may hereafter be bequeathed for that purpose, and all lands which may be granted or bequeathed to the State and not granted or bequeathed expressly for any other purpose, which may hereafter be disposed of by the State, and the proceeds of all estates of deceased persons to which the State may be entitled by law, shall be held by the State as a loan and shall be and remain a perpetual fund, which the State shall pay an annual interest of six per cent, which interest, with the interest of the trust funds deposited with the State by the United States, under act of Congress approved June 23, 1836, and the remainder of unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 138. No appropriation shall be made by the Legislature for the support of a private school or institution of learning whatever.

ART. 139. The Legislature shall provide for the creation of a Superintendent of Public Education, prescribe his duties and his salary.

ART. 140. Institutions for the support of the insane, the education and support of the blind and the deaf and dumb, shall always be fostered by the State, and subject to such regulations as may be prescribed by the General Assembly.

## TITLE IX—MILITIA.

ART. 141. It shall be the duty of the General Assembly to organize the militia of the State, and all able-bodied male citizens, between the ages of eighteen and forty years, who are not disfranchised by the constitution and laws of the United States or of this State, shall be liable to militia duty.

ART. 142. The Governor shall appoint all commissioned officers, subject to confirmation or rejection by the Senate, except the staff officers, who shall be appointed by their respective chiefs, and commissioned by the Governor.

## TITLE X—MODE OF REVISING THE CONSTITUTION.

ART. 143. Any amendment, or amendments, to this Constitution, may be proposed in the Senate or House of Representatives, and if the same shall be agreed by two-thirds of the members elected

each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of State shall use the same to be published three months before the next general election of Representatives to the General Assembly, in at least one newspaper in every parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of this Constitution. If more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

## TITLE XI—SCHEDULE.

ART. 144. The ordinance of secession of the State of Louisiana, passed 26th January, 1861, is hereby declared to be null and void. The Constitution adopted in 1864, and all previous constitutions in the State of Louisiana are declared to be superseded by this Constitution.

ART. 145. All rights, actions, prosecutions, claims, contracts and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue, as if the same had not been adopted; all judgments and judicial sales, marriages and executed contracts made in good faith and in accordance with existing laws of this State, rendered, made, or entered into between the 26th January, 1861, and the date when this Constitution shall be

adopted, are hereby declared to be valid, except the following laws:

“An act to authorize the widening of the new canal and basin,” approved March 14th, 1867.

“An act to amend and re-enact the 121st section of an act entitled ‘An act relative to crimes and offenses,’” approved Dec. 20, 1865.

“An act for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting laborers, servants or apprentices,” approved Dec. 21, 1865.

“An act to punish, in certain cases, the employers of laborers and apprentices,” approved Dec. 21, 1865.

“An act in relation to exemption from State, parish and city taxes for the years 1862, 1863, 1864 and 1865, in certain cases,” certified 16th March, 1866.

“An act granting ferry privileges to C. K. Marshall, his heirs or assigns,” approved March 10, 1866.

“An act to authorize the Board of Levee Commissioners, of the levee district in the parishes of Madison and Carroll, to issue bonds,” etc., etc., approved March 28, 1867.

Section third of “An act to organize the police of New Orleans and to create a police board therein,” approved 12th February, 1866.

ART. 146. The laws relative to the duties of officers shall remain in force, though contrary to this Constitution, and the several duties be performed by the respective officers until the organization of the Government under this Constitution.

ART. 147. The Legislature shall provide for the removal of causes now pending in the courts of this State to courts created by or under this Constitution.

## ORDINANCE.

ART. 148. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity to the act of Congress entitled “An act to provide for the more efficient government of the rebel States,” and the acts supplementary thereto.

ART. 149. After the Constitution shall have been ratified, the President of the Convention, or, in case of his death or absence, the Chief Justice of the State, shall immediately give notice of the ratification thereof, and order an election of all elective officers under this Constitution, to take place within thirty days thereafter. Immediately after the ratification of this Constitution, the President of the Convention shall appoint one registrar in each parish,

except the parish of Orleans, and one in each district of the parish of Orleans, who shall, each in his parish or district, appoint commissioners to hold the first election under this Constitution.

ART. 150. The election thus ordered shall be held at the place now prescribed by law, and shall continue two days, the place for voting to be kept open from sun-rise to sun-set each day. Returns shall be made in duplicate, sworn to by the commissioners holding the election, and forwarded within three days thereafter to the registrar of the parish or district. The registrar shall immediately forward one copy of said returns to the President of the Convention, or in case of his death, to the Chief Justice of the State, who shall within — days after the last day of the said election make proclamation of the result thereof. All officers thus elected shall enter upon the discharge of their respective duties on the Monday next succeeding the day upon which the proclamation heretofore provided for shall be made, and continue in office until their successors shall be inducted into office.

The Committee reported as follows upon the following resolutions referred to them:

Of Mr. Jones, in reference to railroads—Adversely.

Of Mr. Smith, of Orleans, in reference to Constitution of 1864—the views of the Committee therein embodied in report.

Of Mr. Vrffroit, of Ascension, in reference to amending the Constitution—Adversely.

Of Mr. Tinchant, of Orleans—the views of the Committee therein embodied in report.

Mr. Cooley called the attention of the Convention to an error in the report on the insertion of Article 35, and moved that it be stricken from the report and the articles renumbered accordingly. Adopted.

Mr. Ingraham, of Caddo, in behalf of the minority of the committee, submitted the following report:

We, the undersigned, Committee on Draft of Constitution, beg leave to submit the following minority report :

JAMES H. INGRAHAM,  
J. H. A. ROBERTS,  
P. F. VALFROIT,  
CHARLES LEROY.

#### PREAMBLE.

We, the people of the State of Louisiana, grateful to Almighty God, the Sovereign Ruler of Nations, for our liberties and our connection with the American Union, and

acknowledging our dependence upon Him for the continuance of these blessings to us and our posterity, do, for the more certain security thereof and for the government of this State, ordain and establish this Constitution.

#### TITLE I—BILL OF RIGHTS.

ARTICLE 1. All persons, without regard to race, color or previous condition born or naturalized in the United States, are inhabitants of this State, one year, are citizens of this State, and shall enjoy the same public, civil and political rights and privileges, and be subject to the same laws and penalties.

ART. 2. All men are born free and equal and have certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

ART. 3. There shall be neither slavery nor involuntary servitude in this State otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

ART. 4. Every person may freely speak, write and publish his sentiments on all subjects—being responsible for the abuse of that right—and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted and the jury shall have the right to determine the law and the fact.

ART. 5. The right of the people peaceably to assemble to consult for the common good and to petition the government or any department thereof, shall never be abridged.

ART. 6. The right of trial by jury shall not be violated.

ART. 7. All persons shall be bailable by sufficient sureties except for capital offenses where the proof is evident or the presumption great. Excessive bail shall not be required or excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. 8. In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the accusations against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses, and to have the assistance of counsel.

ART. 9. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury, except in case of impeachment, or in cases cognizable by Justices of the Peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; and no person, for the same offense, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require.

ART. 10. All courts shall be open, and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due process of law and justice administered without denial or delay.

ART. 11. The right of all citizens to travel and be entertained shall not be infringed, or in any manner whatever be abridged in this State.

ART. 12. No public money or monies shall be given or funds be bestowed upon any charitable or public institution in this State that makes any distinction among the citizens of this State.

ART. 13. Treason against the State shall consist only in levying war against the same or in adhering to its enemies—giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

ART. 14. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or things to be seized.

ART. 15. All children bound out by any law enacted by any “*so-called*” General Assembly in this State since the year eighteen hundred and sixty-two, shall be released and returned to their parents or relatives, by any court of competent jurisdiction, after the adoption of this Constitution.

ART. 16. The property of no person shall be taken for public use without just compensation therefor; and no person shall be imprisoned for debt, except for fraud.

ART. 17. No person shall be imprisoned for debt in any civil action or mesne or final process, unless in case of fraud.

ART. 18. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect or support any place of worship, or maintain any form of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceful enjoyment of its own mode of public worship.

ART. 19. The military shall be in strict subordination to the civil power. That all power is vested in, and consequently derived from the people; that magistrates are but their servants and trustees and at all times amenable and accessible to them.

ART. 20. That all elections shall be free; and that all men, except such as are disfranchised, shall have and exercise the right of suffrage.

ART. 21. That no person shall be transported out of this State for trial for any offense committed within the same.

ART. 22. To guard against the transgression of the high powers which we have delegated we declare that everything in this article is excepted out of the general powers of government and shall ever remain inviolable.

## TITLE II—DISTRIBUTION OF POWERS.

ART. 23. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them shall be confined to a separate body of magistracy, to-wit: those which are legislative to one, those which are executive to another, and those which are judicial to another.

No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

## TITLE III—LEGISLATIVE DEPARTMENT.

ART. 24. The Legislative power of the State shall be vested in two distinct branches. The one to be styled “the House of Representatives,” the other “the Senate,” and both “the General Assembly of the State of Louisiana.”

ART. 25. The members of the House of Representatives shall continue in office for

ART. 18. All men have a natural and in-

two years from the day of the closing of the general elections.

ART. 26. Representatives shall be chosen on the first Monday in November every two years, and the election shall be completed in one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 27. Every elector under this Constitution, shall be eligible to a seat in the House of Representatives; and every elector who has reached the age of twenty-five years, shall be eligible to the Senate; *Provided*, That no person shall be a Representative or Senator, unless at the time of his election, he be a qualified elector of the representative or senatorial district from which he is elected.

ART. 28. Elections for members of the General Assembly shall be held at the several election precincts established by law.

ART. 29. Representation in the House of Representatives shall be equal and uniform, and shall be ascertained and regulated by the number of qualified electors; each parish in the State being entitled to at least one Representative. An enumeration of the qualified electors of this State, by the State authorities, shall be made in 1868; a second in 1875, and an enumeration shall be made regularly every ten years thereafter, for the purpose of ascertaining the total population, as well as the number of qualified electors in each parish and election district; and in case of informality, omission or error, in the census returns from any district, the Legislature shall order a new census taken in such parish or election district.

ART. 30. At the first session of the Legislature, after the making of each enumeration, the Legislature shall apportion the representation amongst the several parishes and representative districts, on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and representative district shall have as many Representatives as the aggregate number of its electors will entitle it to have, and an additional Representative for any fraction exceeding one half of the representative number. The number of Representatives shall never exceed one hundred and twenty, nor be less than ninety.

ART. 31. Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in Art. No. 29 the representation in the Senate and House of Representatives shall be as follows:

For the parish of Orleans, and to be elected as follows:

First Representative District.....	
Second " "	" .....
Third " "	" .....
Fourth " "	" .....
Fifth " "	" .....
Sixth " "	" .....
Seventh " "	" .....
Eighth " "	" .....
Ninth " "	" .....
Tenth " "	" .....
Eleventh " "	" .....
Ascension.....	
Assumption.....	
Avoyelles.....	
Baton Rouge, East.....	
Baton Rouge, West.....	
Bienville.....	
Bossier.....	
Caddo.....	
Calcasieu.....	
Caldwell.....	
Carroll.....	
Catahoula.....	
Claiborne.....	
Concordia.....	
DeSoto.....	
Felicia, East.....	
Felicia, West.....	
Franklin.....	
Iberville.....	
Jackson.....	
Jefferson.....	
Lafayette.....	
Lafourche.....	
Livingston.....	
Madison.....	
Morehouse.....	
Natchitoches.....	
Ouachita.....	
Prairie.....	
Point Coupee.....	
Rapides.....	
Sabine.....	
St. Bernard.....	
St. Charles.....	
St. Helena.....	
St. James.....	
St. John Baptist.....	
St. Landry.....	
St. Martin's.....	
St. Mary's.....	
St. Tammany.....	
Tensas.....	
Terrebonne.....	
Union.....	
Vermillion.....	
Washington.....	
Winn.....	
Total.....	1

And the State shall be divided into the following senatorial districts, to-wit:

The First, Second and Third Representative Districts of New Orleans shall form one senatorial district and elect three Senators.

The Fourth, Fifth and Sixth Representative Districts of New Orleans shall form one district and elect two Senators,

The Seventh, Eighth and Ninth Representative Districts of New Orleans and the parish of St. Bernard shall form one district and elect two Senators.

The Tenth Representative District of New Orleans shall form a district and elect one Senator.

Fifth District of New Orleans and the parish of Plaquemine shall form one district and elect one Senator.

The parishes of Jefferson, St. Charles and St. John Baptist shall form one district and elect two Senators.

The parishes of Ascension and St. James shall form one district and elect one Senator.

The parishes of Assumption, Lafourche and Terrebonne shall form one district and elect two Senators.

The parishes of Vermilion and St. Mary shall form one district and elect one Senator.

The parishes of Calcasieu, Lafayette and St. Landry shall form one district and elect two Senators.

The parishes of Livingston, St. Helena, Washington and St. Tammany shall form one district and shall elect one Senator.

The parishes of Point Coupee, East Feliciana and West Feliciana shall form one district and elect two Senators.

The parish of East Baton Rouge shall form one district and elect one Senator.

The parishes of West Baton Rouge, Iberville and St. Martin shall form one district and elect two Senators.

The parishes of Concordia and Avoyelles shall form one district and elect one Senator.

The parishes of Tensas and Franklin shall form one district and elect one Senator.

The parishes of Carroll, Madison and Morehouse shall form one district and elect two Senators.

The parishes of Ouachita and Caldwell shall form one district and elect one Senator.

The parishes of Jackson and Union shall form one district and elect one Senator.

The parishes of Bossier, Bienville and Claiborne shall form one district and elect two Senators.

The parish of Caddo shall form one district and elect one Senator.

The parishes of DeSoto, Natchitoches

and Sabine shall form one district and elect two Senators.

The parish of Rapides shall form one district and elect one Senator.

The parishes of Catahoula and Winn shall form one district and elect one Senator.

Thirty-six Senators in all.

ART. 32. The House of Representatives shall choose its Speaker and other officers.

ART. 33. Electors, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during their attendance on, going to and returning from elections.

ART. 34. At its first session under this Constitution, the Legislature shall provide by law that the names and residence of all qualified electors shall be registered in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 35. No person shall be entitled to vote at any election held in this State except in the parish of his residence and at the election precinct in which he is registered.

ART. 36. The members of the Senate shall be elected for the term of four years, and when assembled the Senate shall have power to choose its own officers.

ART. 37. During every year in which they apportion representation in the House of Representatives, the Legislature shall divide the State into senatorial districts.

ART. 38. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish be (is) created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the Legislature, but shall not be attached to more than one district. The number of Senators shall be thirty-six; and they shall be apportioned among the senatorial districts according to the electoral population of said districts.

ART. 39. In all apportionments of the Senate, the electoral population of the whole State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator.

Single or contiguous parishes shall be formed into districts, having a population the nearest possible to the number entitling a district to a Senator; and if the apportionment to make a parish or district fall short of or exceed the ratio, then a district may be formed having not more than two Senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator.

already elected at the time of making the apportionment. After an enumeration has been made as directed in the 29th article, the Legislature shall not pass any law till an apportionment of representation in both Houses of the General Assembly be made.

ART. 40. At the first session of the General Assembly, after this Constitution takes effect, the Senators shall be divided equally by lot into two classes; the seats of the Senators of the first class to be vacated at the expiration of the term of the first House of Representatives; of the second class at the expiration of the term of the second House of Representatives; so that one half shall be chosen every two years successively. In case any district shall have elected two Senators, said Senators shall vacate their seats respectively at the end of the terms aforesaid, and lots shall be drawn between them.

ART. 41. The first election for Senators shall be held at the same time with the election for representatives; and thereafter there shall be elections of Senators at the same time with each general election of representatives, to fill the places of those Senators whose term of service may have expired.

ART. 42. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

ART. 43. Each House of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

ART. 44. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of two thirds, expel a member; but not a second time for the same offense.

ART. 45. Each House of the General Assembly shall keep and publish weekly, a journal of its own proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

ART. 46. Each House may punish, by imprisonment, any person not a member, for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

ART. 47. Neither House, during the sessions of the General Assembly, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which they may be sitting.

ART. 48. The members of the General Assembly shall receive from the public Treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective Houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the House of Representatives by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement. And any legislative action had after the expiration of said sixty days shall be null and void; but this last provision shall not apply to the first session of the Legislature that shall convene after the adoption of this Constitution.

ART. 49. The members of the General Assembly, in all cases except treason, felony and breach of the peace, shall be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same; and for any speech or debate in either house shall not be questioned in any other place.

ART. 50. No Senator or Representative, during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

ART. 51. No person, while he continues to exercise the functions of a clergyman of any religious denomination whatever, shall be eligible to the General Assembly.

ART. 52. No bill shall have the force of a law, until, on three several days it be read over in each House of the General Assembly, and free discussion allowed thereon; unless in case of urgency four fifths of the House, where the bill is pending, may deem it expedient to dispense with this rule.

ART. 53. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills; *Provided*, It shall not introduce any new matter under the color of an amendment, which does not relate to raising revenue.

ART. 54. The General Assembly shall regulate by law, by whom and in what manner, writs of election shall be issued to fill the vacancies which may occur in either branch thereof.

ART. 55. The Senate shall vote on the confirmation or rejection of the officers to

be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays; and the names of the Senators voting for or against the appointments, respectively, shall be entered on the journals to be kept for the purpose, and made public on or before the end of each session.

ART. 56. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

ART. 57. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the hall of the House of Representatives on the second Monday following the meeting of the Legislature, and proceed to said election.

#### TITLE IV—EXECUTIVE DEPARTMENT.

ART. 58. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of two years, and, together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for Representatives shall vote for Governor and Lieutenant Governor at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then to be holden. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected; but if two or more persons shall be equal and the highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for Lieutenant Governor shall be Lieutenant Governor; but if two or more persons shall be equal and highest in the number of votes polled for the Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

ART. 59. No person shall be eligible to the office of Governor or Lieutenant Governor who is not a citizen of the United States, and a resident of this State two years next preceding his election;" nor shall any person be eligible to either office who has not attained the age of twenty-five years.

ART. 60. The Governor shall enter on

the discharge of his duties on the — next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

ART. 61. No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of Governor or Lieutenant Governor.

ART. 62. In case of impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and the Lieutenant Governor, declaring what officer shall act as Governor, and such officer shall act accordingly, until the disability be removed, or for the remainder of the term.

ART. 63. The Lieutenant Governor, or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

ART. 64. The Governor shall receive a salary of eight thousand dollars per annum, payable quarterly, on his own warrant.

ART. 65. The Lieutenant Governor shall receive a salary of three thousand dollars per annum, payable quarterly, upon his own warrant.

ART. 66. The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment, shall with the consent of the Senate, have power to grant pardons, remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

ART. 67. He shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States.

ART. 68. He shall nominate, and, by and with the advice and consent of the Senate, appoint all officers whose offices

are established by the Constitution, and whose appointments are not herein otherwise provided for; *Provided*, however, that the Legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 69. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session thereof, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.

ART. 70. He may require information, in writing, from the officers in the Executive Department upon any subject relating to the duties of their respective offices.

ART. 71. He shall, from time to time, give to the General Assembly, information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 72. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months; provided it be not to a period beyond the next Constitutional meeting of the same.

ART. 73. He shall take care that the laws be faithfully executed.

ART. 74. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it, if he do not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration, two thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be likewise reconsidered, and if approved by two thirds of the members elected to that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return, in which case the said bill shall be returned on the

first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

ART. 75. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by a majority of the members elected to each House of the General Assembly.

ART. 76. There shall be a Secretary of State, who shall hold his office during the term for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them; he shall, when required, lay the said register, and all papers, minutes and vouchers, relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 77. There shall be a Treasurer of the State and an Auditor of Public Accounts, who shall hold their respective offices during the term of two years.

ART. 78. The Secretary of State, Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State; and in case of any vacancy caused by the resignation, death or absence of the Secretary, Treasurer or Auditor, the Governor shall order an election to fill said vacancies; *Provided*, The unexpired term to be filled be more than twelve months; when otherwise, the Governor shall appoint a person to perform the duties of the office thus vacant until the ensuing general election.

ART. 79. The Treasurer and the Auditor shall receive a salary of four thousand dollars per annum each. The Secretary of State shall receive a salary of three thousand dollars per annum.

ART. 80. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, signed by the Governor and countersigned by the Secretary of State.

#### TITLE V—JUDICIARY DEPARTMENT.

ART. 81. The judicial power shall be vested in a Supreme Court, in district courts, in parish courts and in Justices of the Peace.

ART. 82. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars;

and to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature whatsoever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures, and penalties, imposed by municipal corporations, and in such cases the appeal shall be direct from the court in which the case originated to the Supreme Court; and in criminal cases, on questions of law only, whenever the punishment of death, or imprisonment at hard labor has been inflicted, or when a fine exceeding five hundred dollars is actually imposed.

ART. 83. The Supreme Court shall be composed of one Chief Justice and four Associate Justices; a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of seven thousand five hundred dollars, and each of the Associate Justices a salary of seven thousand dollars, annually, payable quarterly, on their own warrants. The Chief Justice and the Associate Justices shall be appointed by the Governor, with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practiced law five years, the last thereof in this State before their appointment. The court shall appoint its own clerks; they may remove them at pleasure.

ART. 84. The Supreme Court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of May. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 85. The Supreme Court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody, in all cases, when they may have appellate jurisdiction.

ART. 86. No judgment shall be rendered by the Supreme Court, without the concurrence of a majority of the judges composing the court. Whenever the majority cannot concur, in consequence of the recusation of any member of the court, the judges not recused shall have power to call upon any judge or judges of the district courts, whose duty it shall be, when so called upon, to preside in the place of the judge or judges recused, and to aid in determining the case.

ART. 87. All judges by virtue of their office, shall be conservators of the peace, throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of "The State of Louisiana," and conclude "Against the peace and dignity of the same."

ART. 88. The Judges of all courts shall refer to the law, in virtue of which such judgment may be rendered in every definite judgment, and adduce the reasons on which judgment is founded.

ART. 89. The Judges of all courts shall be liable to impeachment, for high crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them on the address of two thirds of the members elected to each House of the General Assembly. In every such case the cause or causes, for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

ART. 90. No duties or functions shall ever be attached, by law, to the Supreme or district courts or the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries for any official duties performed by them.

ART. 91. The Legislature shall divide the State into judicial districts, which shall remain unchanged for six years, and be subject to re-organization every sixth year. For each district court one judge, learned in the law, shall be elected by the qualified electors of district as established by law. For each district there shall be one district court, except in the city of New Orleans, in which the Legislature may establish as many district courts as the public interest may require. Until otherwise provided, there shall be seven district courts for the city of New Orleans, to be designated as follows: The Criminal Court, the Probate Court, the Court of Appeals from justices' courts, and the First, Second, Third and Fourth District Courts. The number of districts shall not be less than twelve nor more than twenty. Clerks of courts shall be elected by the qualified electors of each judicial district in the State.

ART. 92. Each of said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than five thousand dollars. He must be a citizen of the United States, over the age of twenty-five years, and have resided in the State and practiced law therein for the space of two years next preceding his election. The judges of the district court shall hold their office for the term of three years.

ART. 93. The district courts shall have original jurisdiction in all civil cases, not probate, when the amount in dispute exceeds five hundred dollars, exclusive of interest. They shall have concurrent jurisdiction with the parish courts, in probate

matters, when there exists a contestation, and the amount in dispute is over five hundred dollars, exclusive of interest. In criminal cases their jurisdiction shall be unlimited. It shall have appellate jurisdiction in civil ordinary suits, when the amount in dispute exceeds one hundred dollars, exclusive of interest.

ART. 94. For each parish court one judge, learned in the law, shall be elected by the qualified electors of the parish. They shall hold their offices for the term of two years. They shall receive a salary, and fees to be provided by law, until otherwise provided. Each parish judge shall receive a salary of one thousand two hundred dollars per annum, and such fees as are now established by law for clerks of courts. He shall be a citizen of the United States, and shall have practiced law in the State two years next preceding his election.

ART. 95. The parish courts shall have concurrent jurisdiction with the justices of the peace in all cases when the amount in controversy is more than twenty-five dollars, and less than one hundred dollars, exclusive of interest. They shall have exclusive original jurisdiction, in ordinary suits, in all cases; when the amount in dispute exceeds one hundred dollars, and does not exceed five hundred dollars, subject to an appeal to the district court, in all cases when the amount in contestation exceeds one hundred dollars, exclusive of interest. In probate matters they shall have concurrent jurisdiction with district courts in all cases, when there exists a contestation or suit and the amount in dispute exceeds five hundred dollars. In all other cases they shall have exclusive original jurisdiction in probate matters. In criminal matters, the parish court shall have jurisdiction in all cases when the penalty is not necessarily imprisonment at hard labor, or death, and when the accused shall waive trial by jury. They shall also have the power of a committing magistrate, and such other jurisdiction as may be conferred on them by law.

ART. 96. In all probate matters when the amount in dispute shall exceed five hundred dollars, exclusive of interest, the right of appeal direct from the parish to the Supreme Court shall exist.

ART. 97. The Justices of the Peace should be elected by the qualified electors of each ward or district in every parish within the State for the term of two years; their compensation shall be fixed by law. Their jurisdiction, in civil cases, shall not exceed one hundred dollars, exclusive of interest—subject to an appeal to the parish court, in all cases when the amount in dispute shall exceed twenty-five dollars, exclusive of in-

terest. They shall have such criminal jurisdiction as shall be provided for by law.

ART. 98. In all cases when the Judges may be recused, and when they are not personally interested in the matters in contestation, they shall select a lawyer, having the qualifications required for Judges of the courts, to try such cases. And when the Judges are personally interested in the suit they shall call upon the parish or district Judges as the case may be, to try the cases.

ART. 99. The General Assembly shall have power to vest in the parish Judges the right to grant such conservatory orders as may be deemed necessary for the furtherance of the administration of justice, and in all cases the power thus granted shall be specified and determined.

ART. 100. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State, and one District Attorney for each judicial district in the State who shall be elected from among those licensed to practice law in this State.

ART. 101. A Sheriff and a Coroner shall be elected in each parish by the qualified electors of each parish for the term of two years. As many constables as may be designated by law shall be elected by the registered voters of the several districts or wards.

#### TITLE VI—IMPEACHMENT.

ART. 102. The power of impeachment shall be vested in the House of Representatives.

ART. 103. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, and the judges of the inferior courts, Justices of the Peace excepted, shall be tried by the Senate; the Chief Justice of the Supreme Court, or the senior judge thereof, shall preside during the trial of such impeachment. Impeachments of the Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmations and no person shall be convicted without the concurrence of a majority of the Senators elected.

ART. 104. Judgments in case of impeachment shall extend only to removal from office, and disqualification from holding office of honor, trust or profit under the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

ART. 105. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of

uch impeachment; the appointing power may make a provisional appointment to replace any suspended officer until the decision of the impeachment.

ART. 106. The Legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State by indictment or otherwise.

#### TITLE VII—GENERAL PROVISIONS.

ART. 107. Every male person of the age of twenty-one years or upwards, excepting paupers under interdiction, and persons disfranchised by this Constitution, who shall be a citizen of the United States, and who shall have been an inhabitant in this state one year next preceding an election, and the last sixty days within the parish in which he offers to vote, shall be deemed an elector.

ART. 108. [We endorse Art. 97 of the majority report.]

Members of the General Assembly, and all other officers, State, parish or municipal, shall, before they enter upon the duties of their offices, take the following oath or affirmation: “I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have given no voluntary aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto, and did not wilfully desert from the military or naval service of the United States, or leave this State to avoid the draft during the rebellion; and that I will support the Constitution and laws of the United States and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_ according to the best of my abilities and understanding. So help me God.”

ART. 109. Treason against the State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

ART. 110. All penalties shall be proportioned to the nature of the offense.

ART. 111. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from

power, bribery, tumult or other improper practice.

ART. 112. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; a regular statement and account of receipts and expenditures of all public monies shall be made annually in such manner as shall be prescribed by law.

ART. 113. All civil officers of the State at large shall be voters of and reside within the State; and all district or parish officers shall reside within their respective districts or parishes, and shall keep their offices at such place therein as may be required by law.

ART. 114. All civil officers shall be removable by an address of two thirds of the members elect to each House of the General Assembly, except those whose removal is otherwise provided for by this Constitution.

ART. 115. In all elections by the people the vote shall be taken by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 116. No member of Congress or persons holding or exercising any office of trust or profit under the United States or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under this State.

ART. 117. None but citizens of the United States and of this State shall be appointed to any office of trust or profit in this State.

ART. 118. The laws, public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the English language.

ART. 119. No power of suspending the laws of this State shall be exercised except by the General Assembly.

ART. 120. The General Assembly shall establish a State lottery, and shall prohibit the sale of other State or foreign lottery tickets. All revenues derived from lotteries shall be used solely for educational and charitable purposes, under the control of the State.

ART. 121. No *ex post facto* or retroactive law, nor any law impairing the obligation of contracts shall be passed; nor vested rights be divested, unless for purposes of public utility and for adequate compensation previously made.

ART. 122. Whenever the General Assembly shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, it shall, in

the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due, and the said law shall be irrepealable unless principal and interest be fully paid, or unless the repealing law contains some adequate provision for the payment of the principal and interest of the debt.

ART. 123. The General Assembly shall provide by law for change of venue in civil and criminal cases.

ART. 124. The General Assembly may enact general laws regulating the adoption of children, emancipation of minors and the granting of divorces; but no special law shall be passed relating to particular or individual cases.

ART. 125. Every law passed by the General Assembly shall embrace but one object, and that shall be expressed in the title.

ART. 126. No law shall be revived or amended by reference to its title; but in such case the revived or amended section shall be re-enacted and published at length.

ART. 127. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the law it may enact.

ART. 128. No person shall hold or exercise, at the same time, more than one office of trust or profit except that of Justice of the Peace or Notary Public.

ART. 129. Taxation shall be equal and uniform throughout the State; all property shall be taxed in proportion to its value, to be ascertained as directed by law; the General Assembly shall have power to exempt from taxation property actually used for church, school or charitable purposes. The General Assembly may levy an income tax upon all persons pursuing any occupation, trade or calling, and all such persons shall obtain a license, as provided by law; all tax on income shall be *pro rata* on the amount of income. The General Assembly shall levy a poll tax on all male inhabitants of this State, over twenty-one years old, for school and charitable purposes, which tax shall never exceed one dollar and fifty cents per annum.

ART. 130. None of the lands granted by Congress to the State of Louisiana for aiding in constructing the necessary levees and drains to reclaim the swamp and overflowed lands of the State, shall be diverted from the purpose for which they were granted.

ART. 131. Obligations for the sale of persons in the past and still unexecuted, are null and void, and shall not be enforced by the courts of this State.

ART. 132. No liability, either State, parochial or municipal, shall exist for any debts

contracted for or in the interest of the rebellion against the United States Government.

ART. 133. The General Assembly may determine the mode of filling vacancies in all offices for which provision is not made in this Constitution.

ART. 134. The General Assembly shall pass no law requiring a property qualification for office, either State, parish or municipal.

All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

ART. 135. The General Assembly shall provide for the protection of the rights of married women to their paraphernal property and for the registration of the same, but no mortgage or privilege shall hereafter affect third parties unless recorded in the parish where the property to be affected is situated. The tacit mortgages and privileges now existing in this State shall cease to have effect against third persons after the first day of January, one thousand eight hundred and seventy, unless duly recorded. The General Assembly shall provide by law for the registration of all mortgages and privileges.

ART. 136. The General Assembly at its first session under this Constitution shall provide an annual pension for the veterans of 1814 and 1815.

ART. 137. The General Assembly at its first session under this Constitution shall provide for the registration of voters throughout the State, and no one shall be permitted to vote unless registered.

ART. 138. The seat of government shall be established at the city of Baton Rouge, and shall not be removed without the consent of two thirds of the members of both Houses of the General Assembly.

ART. 139. No other currency than established by the United States shall be circulated in this State.

ART. 140. All persons who were formally debarred by slavery from legally contracting matrimony in this State, who have lived together as husband and wife for three consecutive years prior to the adoption of this Constitution, shall be deemed, after the adoption of this Constitution, in all courts of justice, as husband and wife, and their offspring as their legal heirs, as though said disability had never existed.

#### TITLE VIII.—MILITIA.

ART. 141. It shall be the duty of the General Assembly to organize the militia of the State, and all able-bodied male citizens, between the ages of eighteen and forty-five years, who are not disfranchised by the Constitution and laws of the United States

of this State, shall be liable to militia  
y.  
ART. 142. The Governor shall appoint  
commissioned officers, subject to con-  
nination or rejection by the Senate. All  
militia officers shall take and subscribe the  
h prescribed for officers of the United  
tes army and the oath required of all  
cers in the State.

#### LE IX—CORPORATION OF THE CITY OF NEW ORLEANS.

ART. 143. The corporation of the city of  
w Orleans shall be the parish of Orleans.  
e right bank, as now existing, shall be the  
th District, the other districts, as now  
sting, shall not be altered.

ART. 144. The citizens of the city of  
w Orleans shall have the right of ap-  
pointing the several public officers necessary  
for the administration of the police of  
d city, pursuant to the mode of elec-  
tions which shall be prescribed by the  
gislature; *Provided*, That the Mayor  
l Recorders shall be ineligible to a seat  
the General Assembly; and the Mayor  
l Recorders shall be commissioned by  
Governor as Justices of the Peace, and  
e Legislature may vest in them such  
minal jurisdiction as may be necessary  
the punishment of minor offenses, and  
the police and good of said city may re-  
uire. The city of New Orleans shall main-  
ain a police which shall be uniformed with  
inction of grade, at the expenses of the  
y, to consist of permanent citizens of  
e State of Louisiana, to be selected by  
e Mayor of the city, and to hold office  
ring good behavior, and removable only  
a police commission composed of five  
izens and the Mayor, who shall be  
esident of the board. The commission  
be appointed by the Governor of the  
ate for the term of two years, at a salary  
not less than one thousand dollars  
r annum; a majority of whom shall re-  
ove for delinquencies. Members of the  
lice when removed shall not again be  
ible to any position on the police for a  
m of one year. All qualified electors in  
e city of New Orleans shall be eligible to  
ve on the police of said city. Interfer-  
g or meddling in elections in any manner  
ll be a sufficient cause for instant dismis-  
from the police by the board. The  
ief of Police shall give a penal bond in  
e sum of ten thousand dollars; Lieute-  
nts of Police, five thousand dollars; Ser-  
ants and Clerks, each three thousand dol-  
rs; Corporals, two thousand dollars; and  
privates, one thousand dollars; with good  
d solvent security, as the law directs, for  
e faithful performance of their duties.  
e various officers shall receive a salary of  
t less than the following rates:

The Chief of Police....	\$250	per month.
The lieutenants of police,	150	" "
The sergeants of police.	100	" "
The clerks of police....	100	" "
The corporals of police.	90	" "
The privates (day and night) each.....	80	" "

#### TITLE X—PUBLIC EDUCATION.

ART. 145. The Legislature shall establish  
at least one free public school in every  
parish throughout the State, and shall pro-  
vide for their support by taxation or other-  
wise. All children of this State between  
the ages of six (6) and twenty-one (21) shall  
be admitted to the public schools or other  
institutions of learning sustained or estab-  
lished by the State, in common, without  
distinction of race, color, or previous con-  
dition. There shall be no separate schools  
or institutions of learning established for  
any exclusive race by the State of Louisiana.

ART. 146. No municipal corporation shall  
make any rules or regulation contrary to  
the spirit and intention of this article.

ART. 147. There shall be elected by the  
people of this State, a Superintendent of  
Public Education, who shall hold his office  
for two (2) years. His duties shall be pre-  
scribed, and his salary shall be \$3000 per  
year, payable quarterly upon his own war-  
rant.

ART. 148. The Superintendent of Public  
Education shall have the supervision and  
the general control of all public schools  
throughout the State.

ART. 149. The general exercises in the  
public schools shall be conducted in the  
English language.

ART. 150. The proceeds of the lands here-  
tofore, and that which may hereafter be  
granted by the United States to this State  
for the use or purpose of the public schools  
of the State, and the proceeds of the estates  
of deceased persons to which the State may  
become entitled by law, shall be and re-  
main a perpetual fund, on which the State  
shall pay an annual interest of six (6) per  
cent., which interest, together with the in-  
terest of the trust fund deposited with the  
State by the United States under the act of  
Congress, approved June 23, 1836, and all  
the rents of the unsold lands, shall be ap-  
propriated to the support of such schools.  
And this appropriation shall remain in-  
violable.

ART. 151. All monies accruing from the  
sales which have been or may be heretofore  
made of any lands heretofore granted  
by the United States to this State for the  
use of any institution of learning what-  
ever, (or from any kind of donation for  
the purpose of establishing school or  
schools, or any institution of learning

whatever), shall be and remain a perpetual fund, the interest of which, at six (6) per cent. per annum shall be appropriated to the exclusive benefit of the said school or schools or institution of learning; and no law shall be made diverting said funds to any other use than to the establishment and benefit of said institution of learning. The Legislature shall have power to raise funds for the organization and support of said institution in such manner as it may deem best.

ART. 152. No appropriation shall be made by the Legislature for the support of any private school or any private institution of learning whatever.

ART. 153. A university shall be established and maintained in the city of New Orleans. It shall be composed of six faculties, to wit: one of law, one of medicine, one of natural science, one of letters, and one of industrial science, and one of the theory and practice of teaching. The Legislature shall provide by law for its organization and maintenance, *Provided*, That all departments of this institution of learning shall be open in common to all students capable of matriculating. No rules or regulations shall be made by the trustees, faculties or other officers of said institution of learning, nor shall any laws be made by the Legislature violating the letter or spirit of this article, under penalty of the annulling of the charter of said institution.

ART. 154. All colleges, seminaries, academis, schools, institutions of learning of what nature soever, whether literary, legal, medical, military or individual, authorized by the Legislature, and under the control of this State, shall be open in common to all classes of students.

ART. 155. Institutions for the support and education of the insane, the blind and the deaf and dumb, shall always be fostered and supported by the State, and be subject to such regulations as may be presented by the General Assembly, not in conflict with any provisions of this Constitution.

#### TITLE XI—BOARD OF PUBLIC WORKS.

ART. 156. There shall be a Board of Public Works, to consist of one commissioner from each congressional district of the State.

The commissioners so appointed shall hold office for the term of two years, and be a resident of their respective districts.

ART. 157. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the organization of the Board of Public Works, prescribe its duties and fix the compensation of all employees of the Board of Public Works and the commissioners thereof.

ART. 158. The commissioners and such of the officers employed on the public works as may be determined by the General Assembly, shall give such bond for the faithful performance of their duties as shall be prescribed by law.

#### TITLE XII—MODE OF REVISING THE CONSTITUTION.

ART. 159. Any amendment, or amendments to this Constitution, may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by three fourths of the members elected to each House, such proposed amendment or amendments shall be submitted to the people at an election to be ordered by said Legislature and held within ninety days after the adjournment of the same, and after thirty days' publication according to law, and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of the Constitution. If more than one amendment be submitted at a time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

#### TITLE XIII—EXEMPTIONS.

ART. 160. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of five hundred dollars, from sale on execution or other final process of any court issued for the collection of any debt contracted after the adoption of this Constitution.

ART. 161. Every homestead of eighty acres of land, and the dwelling house thereon, and the appurtenances, to be selected by the owner thereof, and not included in any town plat, city or village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances owned and occupied by any resident of the State not exceeding in value one thousand dollars, shall be exempt from forced sale on execution or any other final process from court, for any debt contracted after the adoption of this Constitution; such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife of the same.

#### TITLE XIV—SCHEDULE.

ART. 162. The ordinance of secession of the State of Louisiana, passed 26th January 1861, is hereby declared to be null and void. The Constitution adopted in 1864

nd all previous constitutions in the State f Louisiana are declared to be superseded y this Constitution.

ART. 163. All rights, actions, prosecutions, claims, contracts, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if the same had not been adopted. All judgments and judicial sales, marriages and executed contracts, made in good faith and in accordance with existing laws in this State, rendered, made, or entered into between the 26th January, 1861, and the date when this Constitution shall be adopted, are hereby declared to be valid, except the following:

"An act to authorize the widening of the New Canal and Basin," approved March 4, 1867.

"An act to amend and re-enact the 121st section of an act entitled 'An act relative to crimes and offenses,'" approved December 20, 1865.

"An act for the punishment of persons for tampering with, persuading or enticing way, harboring, feeding or secreting laborers, servants or apprentices," approved December 21, 1865.

"An act to punish, in certain cases, the employers of laborers and apprentices," approved December 21, 1865.

"An act to postpone all seizures for city axes," certified 16th March, 1866.

"An act in relation to exemption from state, parish and city taxes for the years 1862, 1863, 1845 and 1865, in certain cases," certified 16th March, 1866.

Section 3d of "An act to create a Police Board for the city of New Orleans," passed Feb. 12th, 1866.

"An act granting ferry privileges to C. K. Marshall, his heirs or assigns," approved March 16, 1867.

"An act to authorize the Board of Levee Commissioners, of the levee district in the parishes of Madison and Carroll, to issue bonds, etc., etc.," approved March 28, 1867.

An act, 115, of the General Assembly of 1867, issuing four million dollars levee bonds.

ART. 164. The laws relative to the duties of officers shall remain in force, though contrary to this Constitution, and the several duties be performed by the respective officers until the organization of the Government under this Constitution.

ART. 165. The Legislature shall provide for the removal of causes now pending in the courts of this State to courts created by or under this Constitution.

#### ORDINANCE.

ART. 166. Immediately upon the adjournment of this Convention, this Constitution

shall be submitted for ratification to the registered voters of the State, in conformity to the act of Congress entitled "An act to provide for the more efficient government of the rebel States," and the acts supplementary thereto.

ART. 167. On the same day that an election is held to ratify this Constitution, an election shall be held throughout the State for all State, parish and municipal officers elected by the people. The Legislature elected under the provisions of this article shall assemble in the city of New Orleans.

ART. 168. Previous to the adjournment of this Convention, the President shall submit the name of one person for confirmation as register in each and every parish in this State, except the city of New Orleans, in which he shall appoint one register for every district, as provided for in this Constitution, whose duty it shall be to provide for the receiving of the votes of the qualified electors of the State for the officers to be elected, as provided for in this Constitution.

Mr. Cooley, Chairman of the committee, submitted an additional section to the report under the title of "Militia," which was, by consent, incorporated in the report of the majority.

Mr. Crane, of Orleans, moved to print 500 copies of each report Adopted.

The Convention, on motion of Mr. Crane, of Orleans, adjourned until 10 o'clock A. M. on Monday next.

A true copy :

WM. VIGERS, Secretary.

#### TWENTY-SECOND DAY.

NEW ORLEANS, Monday, Dec. 23, 1867.

Pursuant to adjournment, the Convention was called to order at 10 o'clock A. M. by President J. G. Taliaferro.

There being no quorum present, the Convention, on motion, took a recess of half an hour.

At 11 $\frac{1}{4}$  o'clock the roll was again called by the Secretary, and a quorum was found to be present—68 members.

The Secretary proceeded to read the minutes of the previous session, which, on motion, were adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Cooley, of Point Coupee:

*Be it ordained by the Constitutional Convention of the State of Louisiana.* SECTION 1. The ordinance passed by the Conven-

tion on the twelfth day of December, 1867, providing for the issuing of three hundred thousand dollars of bonds, to raise money to pay the expenses of this Convention, be and is hereby repealed, the party who engaged obligated himself to discount the said bonds having completely failed to fulfil his contract.

*SEC. 2. Be it further ordained,* That the warrants for the pay of members and officers, under the said ordinance, shall be paid by the Treasurer of this State out of any funds to the credit of the State Constitutional Convention in the Treasury of the State.

Lies over.

By Mr. F. Marie, of Terrebonne :

#### AN ORDINANCE FOR THE RELIEF OF LABORERS.

WHEREAS, The plantation owners are unwilling to sell or lease to the laborers their uncultivated lands for a reasonable price, but, on the contrary, ask enormous sums.

WHEREAS, Those exorbitant prices are an impediment to the agricultural prosperity of the State; and

WHEREAS, Such an impediment prevents the laborers from creating reasonable work for themselves according to their faculties; and

WHEREAS, Consequently the largest and most useful class of the people of Louisiana are suffering from this state of affairs; therefore, be it

*Resolved,* That the uncultivated lands shall in future be subject to taxation double that of the cultivated lands.

*Resolved,* That it shall be the duty of the next Legislature convened in this State, after the adoption of this Constitution, to pass such laws as may be deemed proper, requiring the Assessors in their respective districts to assess such uncultivated lands, so as to conform to the views of this ordinance.

Referred to the Committee on General Provisions.

By Mr. Charles Smith, of Orleans:

WHEREAS, The State of Louisiana is one of the largest, if not the largest stockholder, and next to the city of New Orleans, in the Greatwestern and Opelousas Railroad; and

WHEREAS, Its financial affairs appear to be approaching a disastrous crisis; therefore, be it

*Resolved,* That a committee of five be appointed to examine the books and papers and records of said railroad, and report to this Convention its financial condition and the status of the persons under whose control it at present remains.

Lies over.

#### REPORTS OF STANDING COMMITTEES.

Committee on Enrollment—Progress.  
Committee on the Executive—Prog-

#### REPORT OF THE SPECIAL COMMITTEE.

Mr. S. Belden, on behalf of the spe committee appointed to await upon Gen Hancock, submitted the following re which was received and the committee charged:

To the President and gentlemen of the Convention:

The undersigned, special committee pointed to confer with General W. S. E cock, Commander of the Fifth Military J triet, upon the subject of payment of commissioners of the late election for d gates to this Convention, beg leave to port that they have had an agreeable and v satisfactory interview with the Command General upon the subject of their missi who gave his opinion that the matter longed exclusively to his jurisdiction un the "reconstruction" laws of Congress commander of this district. The General s gested to us, in connection with the subj that it had not yet been decided whe the said commissioners were entitled compensation or not, but that would at once correspond with predecessor, Major General Sheri through Colonel Gentry, late Se tary of Civil Affairs, and learn his intentions as to whether they were to receive compensation or not, and that the ques would be determined by the character his reply. If his decision should be in affirmative, they would be at once paid f the "reconstruction" fund under his trol.

#### UNFINISHED BUSINESS.

By Mr. Smith, of Orleans:

WHEREAS, There has been no com tee appointed to investigate the city c ter of New Orleans; and

WHEREAS, The Legislature of 1867 b enactments passed laws depriving loyal zens of rights clearly enjoyed under Constitution of the United States; th fore, be it

*Resolved,* That a committee of nine appointed by the chair, to be known Committee on City Charter, whose du shall be to examine said charter and re to the Convention the changes dee necessary to secure the equal rights o citizens of said city, without regard race, color or previous condition.

Mr. Smith moved to adopt.

Mr. Bertonneau moved to lay on table. Adopted.

By Mr. Burrel, of St. John the Bap

WHEREAS, That Sunday, the first day of the week, is set apart by Christian nations, as a day of rest and worship to Almighty God; therefore, be it

*Resolved*, That the Legislature of this State shall pass such suitable laws as will forbid all secular labor on the Sabbath day as well as to prevent the indulgence of such practice as tend to deprave the morals of the community, that pugilistic encounters, gambling, horse-racing and other immoral practices be strictly prohibited.

*Resolved*, That the parish and municipal authorities of this State held by legislative enactments be strictly responsible under severe penalties for the enforcement of these laws.

Mr. Burrel moved to adopt.

Mr. Cooley, of Point Coupee, moved to lay on the table. Adopted.

By. Mr. Bonseigneur, of Orleans:

*Resolved*, That it shall be the duty of the first Legislature convened in this State after the adoption of this Constitution to ascertain the total indebtedness of the State, and to issue bonds therefor having not more than (40) forty years to run, and bearing interest at the rate of (6) six per cent. per annum, payable in United States currency at maturity; and in order to provide for the prompt payment of said bonds at maturity, there shall be annually assessed and collected a tax of two (2) mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied to the redemption of said bonds at maturity.

Mr. Bonseigneur moved to adopt:

The chair decided the resolution out of order.

By Mr. Twitchell, of Bienville:

*Resolved*, That members be limited to ten minute of time in all speeches, except by permission of two thirds of the Convention.

Mr. Harper moved to amend by inserting 30 minutes.

Mr. Rodriguez of Orleans, moved to lay on the table the resolution and amendment. Adopted.

Mr. J. H. Ingraham remarked that there were errors in the printed report of the minority report on the draft of the Constitution.

Mr. Underwood moved it be referred back to the Official Printer to have the errors corrected. Tabled.

Mr. Jones moved to adjourn until Thursday and make the report the order

of the day for 10 o'clock A. M. on that day.

Mr. Cooley moved to adjourn till Tuesday, the 24th inst. at 10 o'clock A. M.

Mr. Hiestand moved to amend by substituting 3½ o'clock P. M. this day. Carried.

MONDAY, Dec. 23, 4½ o'clock P. M.

The Convention was called to order and a quorum was found to be present.

Mr. Cooley produced a certificate from the State Treasurer, stating that no money had been deposited to the credit of the Convention. He moved that the rules be suspended and that his resolution be adopted.

The Convention refused to suspend the rules.

Judge Cooley, in view of the holidays, moved to adjourn until the 2d of January, 1868.

There were numerous motions made to adjourn to a nearer date.

A motion to adjourn till Tuesday, the 24th, at 11 o'clock A. M., was lost.

One to adjourn till Thursday next, also lost.

Mr. Jones moved that when this House adjourns, it adjourns until 11 o'clock, Thursday, the 26th instant.

Mr. Pinchback moved to adjourn until Tuesday at 10 o'clock A. M.

Mr. Jones asked permission of the Convention that Mr. Paige, of the New Orleans Republican, be allowed to make an explanation of the ordinance which had been adopted.

Mr. Rodriguez, of Orleans, was called to the chair. After some discussion, at 6 o'clock, the Convention adjourned until to-morrow at 11 o'clock, Mr. Wickliffe, of Orleans, being then entitled to the floor.

A true copy.

WM. VIGERS, Secretary.

#### TWENTY-THIRD DAY.

NEW ORLEANS, Tuesday, Dec. 24, 1867.

The Convention met pursuant to adjournment.

President Taliaferro in the chair.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Barret, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, J. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, T. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, Meadows, McLeran, McMillan, Morris, Moses, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Scott, Snider, Steele, Thibaut, Tinchant, Twichel, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—79 members present.

Minutes read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Tinchant, of Orleans :

*Resolved*, That during the five years following the ratification of this Constitution, the owners of any tract of cultivated land not exceeding sixty acres (60) shall be exempt from paying any tax thereon.

*Resolved further*, That during the same lapse of time the owners of any arable land left uncultivated shall have to pay yearly to the State an extra tax of 20 cents per acre.

*Resolved further*, That honorably discharged soldiers, sailors or marines of the United States army and widow or minor orphans of any deceased soldier, sailor or marine of the United States shall be exempt of any tax that may be levied by the State for the next ten years.

It was referred to the Committee on General Provisions.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on the Executive—Progress.

Mr. Cooley called attention to errors in printing of the report of Committee on Draft of the Constitution, and moved its reference back to the Printer for correction.

#### UNFINISHED BUSINESS.

By Mr. Cooley:

#### ORDINANCE.

*Be it ordained by the Constitutional Convention of the State of Louisiana*. Section 1. The ordinance passed by the Convention on the 12th day of December, 1867, providing for the issuing of three hundred thousand

dollars of bonds, to raise money to pay the expenses of this Convention, be and the same is hereby repealed, the party who engaged and obligated himself to discount the said bonds having completely failed to fulfil his contract.

SEC. 2. *Be it further ordained*, The warrants for the pay of members and officers, under the said ordinance up to the date shall be paid by the Treasurer of the State out of any funds to the credit of the State Constitutional Convention in the Treasury of the State.

Mr. Pinchback moved to suspend the rules.

The Chair decided that the resolution was already regularly before the House.

Mr. Cooley moved to adopt the above resolution, and the question being put to the Convention, it was adopted.

Mr. Underwood moved to take up the bill of the Finance Committee.

Mr. Cooley, of Point Coupee, offered the following bill:

SECTION 1. *Be it ordained by the Constitutional Convention of the State of Louisiana*, To pay the delegates and officers of this Convention, and to defray all other expenses necessary for the use of said Convention, the following tax is hereby levied on the property of this State, both real and movable, viz: a tax of one mill per cent.

SEC. 2. *Be it further ordained*, That the Sheriffs of the State, except the parish of Orleans, shall collect the above mentioned tax; and that they refer to the assessment rolls made by the State of Louisiana for the year eighteen hundred and sixty-seven (1867) as the basis for assessing the tax herein levied on real and movable property and in order to facilitate them in the collection of said tax, they are hereby authorized to employ all summary remedies now given by law for the collection of State taxes, and shall receive for their service the same compensation paid them by the State for like services.

SEC. 3. *Be it further ordained*, That the tax herein levied, and which shall be due by the parish of Orleans, shall be collected by the persons now charged with the collection of State taxes in said parish, and they shall possess the same powers and receive the same compensation.

SEC. 4. *Be it further ordained*, That the Sheriffs and other persons charged with the collection of the tax levied by this ordinance shall pay to the Treasurer of the State, at the end of every month, except the tax collectors of the Parish of Orleans Jefferson and Orleans, right bank, all sum-

collected by them under this ordinance, and shall settle finally with the Treasurer on the first day of April, eighteen hundred and sixty-eight (1868). But in no case shall the State Treasurer give a receipt for either a partial or final settlement, without requiring the Sheriff or other collector to take and subscribe an oath that he has paid all the money collected by him to date of settlement, less his commission.

**SEC. 5.** *Be it further ordained,* That the tax collectors of the parish of Orleans, right bank, and Jefferson, shall settle with the Treasurer of the State every ten days, reckoning from the day of the notice which the Auditor shall give said collectors of the said ordinance and the tax therein levied.

**SEC. 6.** *Be it further ordained,* That so much of the tax levied as may be required to pay the delegates and officers of this Convention and to defray all other expenses necessary for the use of said Convention, shall be paid by the State Treasurer, upon warrants signed by the Warrant Clerk and countersigned by the President of this Convention. The balance of the tax levied shall be placed by the State Treasurer to the credit of the general fund, and reserved until the meeting of the General Assembly, elected under the provisions of the Constitution adopted by this Convention, to be used as they may direct.

**SEC. 7.** As soon as the Treasurer of the State shall be notified of a loan having been effected by this Convention, he shall place the funds received by him under this ordinance to the credit of said loan. And the said funds or as much thereof as may be necessary to pay said loan, shall remain specially pledged to repay said loan.

**SEC. 8.** *Be it further ordained,* That the tax levied by this ordinance shall be paid only in the legal currency of the United States.

Pending its consideration, Gen. Hartsuff being in the lobby, on motion of Mr. Cooley, he was invited to a seat on the platform and was received by the President and members of the Convention.

Mr. Pinchback moved to adopt the ordinance.

The previous question, after a full debate, was moved and ordered, and the ayes and nays were called, as follows—*ayes* 62, *nays* 19:

*Ayes*: Antoine, Baker Barret, Belden, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Dearing, Damarest, Depasseau, Jos. Deslonde, Douglass, G. Duparte, Dulessis, Esnard, Gair, Gould, Guichard,

Harris, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Landers, Leroy, R. Lewis, Ludeling, Lynch, Marie, Massicot, Meadows, McLeran, McMillan, Moses, Mushaway, Myers, Oliver, Packard, Pinchback, Pollard, Riggs, Roberts, Rodriguez, Smith, Snider, Thibaut, Tinchant, Underwood, Vandergriff, Waples, Williams, Wilson—62 *ayes*.

*Nays*: Blackburn, Cromwell, Cuney, U. Dupart, Francois, Harper, Lange, Martin, Morris, Pierce, Reegan, Reese, Riard, Schwab, Scott, Twitchell, Valfroit, Vidal, Wickliffe—19 *nays*.

And the ordinance was adopted.

By Mr. Pinchback:

*Resolved*, That the standing Committee on Finance be and hereby is authorized to negotiate a loan to defray the expenses of this Convention, said loan to be based upon the Tax Ordinance adopted by this Convention; *Provided*, The terms of said loan shall be submitted to the Convention for approval or disapproval before being closed.

The rules were suspended and the resolution was adopted.

On motion the Convention adjourned till Thursday at 10 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

#### TWENTY-FOURTH DAY.

NEW ORLEANS, Thursday, Dec. 26, 1867.

The Convention met, pursuant to adjournment, at 10 o'clock A. M.

The President called the Convention to order.

The following members answered to their names:

Messrs. Taliaferro, Baker, Blackburn, Bonseigneur, Bonnefoi, Burrel, Butler, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, Jos. Deslonde, Douglass, G. Duparte, Duplessis, Francois, Ferguson, Gair, Gardiner, Harris, Ingraham, Isabelle, Jackson, Jones, Landers, Lange, Leroy, Lewis, Ludeling, Marie Martin, Massicot, Meadows, McLeran, Moses, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Schwab, Smith, Scott, Snider, Twitchell, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson.

Prayer by Rev. J. Fisk:

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Cooley, of Point Coupee:

*Be it ordained by the Constitutional Conven-*

*tion of the State of Louisiana,* The warrants issued by this Convention for the pay of members and the officers thereof, shall be received by the sheriffs and tax collectors of the State, in payment of the tax of *one mill per cent.*, levied by the Convention by ordinance passed on the 24th of this month.

*Be it further ordained,* That the Auditor of Public Accounts of the State shall, as under existing laws in relation to the collection of taxes, superintend and control the collection of said tax of *one mill per cent.*, and shall give immediate notice and instructions to the different sheriffs and tax collectors.

Mr. Cooley moved to suspend the rules to put the resolution upon its immediate passage.

Adopted.

Mr. Cooley, of Point Coupee, moved to adopt the ordinance, and it was adopted.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Finance stated that they would report to-day.

Committee on Printing submitted the following report:

To the Honorable President and Members of the Constitutional State Convention:

In reference to the resolution of inquiry relative to the rumor that disloyal offices had been engaged to execute the official printing of this Convention, I respectfully ask leave to report that I have carefully investigated the matter, and find that a portion of the job work of the Convention is done at the office of the New Orleans Times.

And in this Convention, I would respectfully suggest that the proprietors of the New Orleans Republican have a splendid job office, and are prepared to do work as cheap and neat and expeditiously as any parties in the city, and it might seem more becoming in us to patronize our friends rather than to throw work into the hands of those who are constantly abusing and seeking to destroy us.

Lies over.

Committee on Contingent Expenses—  
Progress.

#### UNFINISHED BUSINESS.

Mr. Crane, of Orleans, moved that the Convention resolve itself into a committee of the whole to consider the majority and minority reports of the Committee on the Draft of the Constitution.

Adopted.

Mr. Barret, of Union, was called to the chair.

The committee rose and reported progress through its chairman.

Mr. Belden, of Orleans, moved to take up the report of the majority and minority reports under title 1st and consider them article by article.

Adopted.

Mr. Belden, of Orleans, moved to adopt article 2 of the minority report as the 1st article of title 1st. of the Constitution.

Upon the suggestion that a quorum was not present, the roll was called and 71 members answered to their names.

Mr. Barret, of Union, moved as a substitute for Mr. Belden's motion the adoption of article 1st of the majority report.

Mr. McMillan was called to the chair.

The question was put upon the adoption of Mr. Barret's substitute, and it was lost.

Mr. Tinchant moved to adopt the article proposed by Mr. Belden as article 1st of the Bill of Rights.

Mr. Ludeling, of Ouachita, moved to amend by striking out the first period and transposing the words of the second, so as to read as follows: "To secure these rights governments are instituted."

Which was laid on the table.

Mr. Wilson, of Orleans, called for the previous question, which was ordered.

The ayes and nays were ordered.

The question was put upon the adoption of the article moved by Mr. Belden, as amended, and reading as follows:

#### TITLE I—BILL OF RIGHTS.

ARTICLE 1. All men are created free and equal, and have certain inalienable rights among these are life, liberty and the pursuit of happiness. To secure these rights governments are instituted among men deriving their just powers from the consent of the governed.

And the roll was called with the following result—ayes 57, nays 11—as follows:

Ayes: Antoine, Belden, Bertonneau Bonseigneur, Bonnefoi, Brown, Burrel Butler, Crane, Cromwell, Depasseau, Jos Deslonde, P. G. Deslonde, Donato, Douglass, Dupart, G. Duparte, Duplessis, Esnard, Francois, Gair, Gardiner, Guichard Harper, Harris, Ingraham, R. H. Isabelle T. Isabelle, Jackson, Jones, Lange, Leroy Lewis, Marie, Martin, Moses, Mushaway Oliver, Packard, Pierce, Poindexter, Pol-

lard, Reagan, Riard, Riggs, Roberts, Rodriguez, Schwab, Snaer, Scott, Thibaut, Tinchant, Underwood, Valfroit, Wickliffe, Williams, Wilson.

Nays—Barret, Cooley, Crawford, Dearing, Ferguson, J. B. Lewis, Ludeling, Lynch, McMillan, Reese, Snider.

And the article was adopted.

On motion of Mr. Harper the Convention adjourned until to-morrow at 11 o'clock.

A true copy :

WM. VIGERS, Secretary.

#### TWENTY-FIFTH DAY.

NEW ORLEANS, Friday, Dec. 27, 1867.

The Convention met pursuant to adjournment at 12 o'clock m.

The President called the Convention to order.

The roll was called and the following members answered to their names :

President J. G. Taliaferro, Messrs. Antoine, Barret, Belden, Beronneau, Blandin, Bonseigneur, Bonnefoi, Burrel Butler, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, G. Duparte, Dupart, Duplessis, Esnard, Francois, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Lynch, Martin, Meadows, McLeran, Moses, Mushaway, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Tinchant, TwitHELL, Underwood, Valfroit, Waples, Wickliffe, Williams, Wilson—71 members present.

The minutes were read.

Mr. Crane wished his motion to be corrected.

The minutes, as corrected, were adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Antoine, of Caddo:

WHEREAS, The law of Congress creating the Bureau of Refugees, Freedmen and Abandoned Lands, provides that said Bureau shall expire on the first day of July, 1868, and

WHEREAS, The freedmen of the new reconstructed States are yet subject to much gross injustice and persecution at the hands of former rebels and slave-holders, and

WHEREAS, The freedmen in those States, with but few exceptions, fail to receive

justice either under State laws in State courts, or under the Civil Rights bill in the tribunals designated in that bill, and

WHEREAS, By reason of the failure of the crops, the violations of contracts, the overflowing of large sections of country bordering on the Mississippi, great suffering must be endured during the present and coming winter, by large numbers of persons of both races, requiring the action of the Freedmen's Bureau; therefore, be it

*Resolved.* That this Convention unite with the Convention of Alabama and Virginia, in their petitions to Congress for the continuance of the Bureau of Refugees, Freedmen and Abandoned Lands, till such time as the work of reconstruction shall have been completed and State governments in full operation as now contemplated by law.

*Resolved,* That this Convention, in urging upon Congress the necessity of extending the Bureau, would respectfully urge the importance of instituting diligent inquiry into the character and competency of its present officers and agents in this State, and the dismissal of such as are found to be incompetent and unfit to be entrusted with the grave and responsible duties devolving upon them, of whom, in the judgment of this Convention, there are many in this State.

*Resolved,* That a copy of this preamble and resolutions be forwarded by the President of this Convention to the President of the Senate and the Speaker of the House of Representatives.

Lies over.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Enrollment submitted the following report:

The Committee on Enrollment would respectfully report that the resolution repealing the ordinance passed by the Convention, December 12, 1867, to provide funds to pay the expenses of the Convention by the issue of bonds of \$300,000; and the report of the Committee on Finance, adopted on the 24th day of December, 1867, together with ordinance in connection with the report of the Committee on Finance, adopted December 26, 1867, have each been duly enrolled and a copy of each transmitted to the Auditor, Secretary and Treasurer of State.

Which was received.

The Committee on Printing—No report.

The Committee on Finance—Progress.

#### UNFINISHED BUSINESS.

Mr. Lynch was called to the chair.

Mr. Taliaferro, of Catahoula, offered the

following as article 2 of the Bill of Rights:

That citizens of this State owe allegiance to the United States; and that said allegiance is paramount to that which they owe to the State.

Mr. Tinchant, of Orleans, moved its adoption.

Mr. Cooley, of Point Coupee, offered the following substitute:

That taxation without representation is tyranny.

Mr. Wilson, of Orleans, moved to lay the substitute on the table.

Lost.

Mr. R. H. Isabelle, of Orleans, offered the following substitute for Mr. Cooley's substitute :

ART. 2. All men are born free and equal, and have certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

The Chair ruled it out of order.

Mr. Wickliffe, of Orleans, moved to lay on the table the substitute of Mr. Cooley.

Adopted.

Mr. Taliaferro, of Catahoula, withdrew for the present the article offered by him.

Mr. Wickliffe, of Orleans, offered the following as article 2 of the Bill of Rights in the place of the article submitted by the majority and minority reports :

All male persons above the age of twenty-one years, without distinction of race, color or previous condition, and who have resided in the State one year, except those disfranchised by this Constitution and by the 14th amendment to the Constitution of the United States, are citizens of this State, and shall enjoy the same public, civil, religious and political rights and privileges, and be subject to the same pains and penalties.

The Chair decided the substitute out of order.

Mr. Wickliffe appealed from the decision of the Chair.

And upon the question being put to the Convention the Chair was sustained.

Mr. R. H. Isabelle moved to amend article 1 of the majority report by striking out the word "inhabitant" and inserting the word "resident."

Adopted.

Mr. Wickliffe offered the following as a substitute for article 1 of the majority report, to be article 2 of the Bill of Rights.

All male persons above the age of 21 years, without distinction of race, color or previous condition, and who have resided in the State one year, except those disfranchised by this Constitution and by the 14th amendment to the Constitution of the United States are citizens of this State, and shall enjoy the same public, civil, religious and political rights and privileges and be subject to the same pains and penalties.

Mr. Pinchback, of Orleans, moved to lay the substitute on the table.

Adopted.

Mr. T. Isabelle, of Orleans, offered the following amendment:

To insert in article 1 of the majority report, after the word "political," the words "public and religious," so as to read as follows: "They shall enjoy the same civil, political, public and religious rights," etc.

Mr. Ferguson, of Winn, moved to lay the amendment on the table. Ayes and nays ordered and called, as follows:

Yea: Antoine, Ferguson, Harper, J. B. Lewis, Snider, Twitchell—6.

Nay: Barret, Baker, Belden, Bertoneau, Blandin, Bonseigneur, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Francois, Gair, Gardiner, Guichard, Harris, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, McLeran, McMillan, Moses, Murrel, Musaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Smith, Snaer, Scott, Steele, Thibaut, Tinchant, Valfroit, Vadergriff, Waples, Wickliffe, Williams, Wilson—73.

Motion to table was lost.

Mr. Wickliffe moved to take a recess till 5 o'clock this evening.

Adopted, and a recess was taken.

The Convention was called to order at 5 o'clock. No quorum being present a recess of half an hour was taken, at the expiration of which the Convention was called to order by the President and the roll was called, 70 members answering to their names.

At 9 o'clock p. m. the Convention adjourned until to-morrow at 11 o'clock a. m.

A true copy:

WM. VIGERS, Secretary.

### TWENTY-SIXTH DAY.

NEW ORLEANS, Saturday, Dec. 28, 1867.

The Convention met at 11 o'clock a. m., President Taliaferro in the chair.

The roll was called and the following delegates answered to their names:

J. G. Taliaferro, President ; Messrs. Antoine, Baker, Barret, Belden, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing Jr., Demarest, Depasseau, Deslonde P. G., Deslonde Jos., Donato Jr., Duparte G., Dupart U., Duplessis, Esnard, Francois, Fuller, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis R., Ludeling, Marie, Martin, Massicot, Meadows, McLeran, McMillan, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Thibaut, Tinchant, Twitchell, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—77 members present.

The minutes of the preceding day were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Marie, of Terrebonne ;

*Resolved*, That it shall be the duty of the Legislature, at its first regular session, to regulate and secure the rights and privileges of laborers upon the crops they assist in making, that said crops can never be disposed of, or removed, before said laborers are fully paid the amount due them by their employers. That preference to take place even if said crops were to be removed in any event, and said laborers always to be paid, whatever amount may be due them, out of the proceeds of the sale of the same by preference over all other creditors of said employers, even to law charges ; all laws or parts of law to the contrary notwithstanding.

Lies over.

A communication from Messrs. Roudanéz & Co., Official Printers, enclosing a bill for printing, was received and referred to the Committee on Contingent Expenses.

#### REPORTS OF STANDING COMMITTEES.

The Committee on General Provisions—Progress.

The Committee on Enrollment—Progress.

The Committee on Printing—No progress.

The Committee on Contingent Expenses—Progress.

#### UNFINISHED BUSINESS.

Article 1 of the majority report on Draft of the Constitution, in the Bill of Rights, being the order of discussion upon a motion to adopt it as article 2, of title 1 of the Constitution, was taken up.

Mr. Thos. Isabelle, of Orleans, with the consent of the Convention, modified his amendment by striking out the word "religious."

Mr. Thos. Isabelle, of Orleans, called for the previous question, which was ordered.

Mr. Cooley, of Point Coupee, asked that the following statement of his reasons for voting "nay" be spread upon the minutes:

I. Because, I never heard the term "public rights" mentioned as a private one, and because I cannot understand the idea of a private individual exercising public rights.

II. Because, I do not wish to stultify myself by the use of such absurd terms in so important an instrument as the organic law of the State.

The ayes and nays were ordered.

The Chair stated the question to be upon the adoption of Mr. Isabelle's amendment to insert the word "public" after the word "political" in the article proposed.

The roll was called, with the following result—ayes 59, nays 16—as follows:

Yea: Baker, Belden, Blandin, Bonseigneur, Bonnefoi, Burrel, Crane, Cromwell, Cuney, Demarest, Depasseau, Deslonde P. G., Deslonde Jos., Donato, Douglass, Duparte G., Dupart U., Duplessis, Esnard, Francois, Gair, Gardiner, Gould, Guichard, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis R., Marie, Meadows, McLeran, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Tinchant, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—59 ayes.

Nays : Burret, Berthonneau, Brown, Butler, Cooley, Crawford, Ferguson, Harper, Hempstead, Kelso, Landers, Ludeling,

McMillan, Pinchback, Reese, Waples—16 nays.

And the amendment was adopted.

The question was then put upon the adoption of the article as amended, and reading as follows, as article 2 of title 1, of the Constitution :

All persons, without regard to race, color or previous condition, born or naturalized in the United States, and residents of this State for one year, are citizens of this State. They shall enjoy the same civil, political and public rights and privileges, and be subject to the same pains and penalties.

Mr. Pinchback called for the ayes and nays, which were ordered.

The roll was called with the following result—ayes 70, nays—, as follows:

Ayes: Barret, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Demarest, Depasseau, P. G. Deslonde, J. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Ferguson, Gair, Gardiner, Guichard, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Lude-ling, Marie, Meadows, McMillan, Moses, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Tinchant, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—70 ayes.

And the article was declared to be adopted as article 2 of title 1, of the Constitution.

On motion of Mr. Tinchant the Convention adjourned until Monday next, at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

#### TWENTY-SEVENTH DAY.

NEW ORLEANS, Monday, Dec. 30, 1867.

The Convention met pursuant to adjournment.

President Taliaferro in the chair, and the following members present :

J. G. Taliaferro, President; Messrs. Baker, Barret, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde P. G., Donato, Douglass, Du-part U., Duplessis, Esnard, Francois, Ful-ler, Ferguson, Gair, Gardiner, Guichard,

Harper, Harris, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Landers, Lange, Lewis R., Ludeling, Marie, Mascot, Meadows, McLellan, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Schwab, Smith, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson.

Prayer by the Rev. J. Fisk.

The minutes were read and adopted.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Finance—Progress. The Committee on Contingent Expenses, Progress.

The Committee on Printing—No report.

Mr. Crane was called to the chair.

#### UNFINISHED BUSINESS.

Mr. R. H. Isabelle, of Orleans, moved to reconsider the vote by which article 2 of the Constitution was adopted.

Which was carried.

Mr. Taliaferro, of Catahoula, offered the following amendment:

The citizens of this State owe allegiance to the United States; and this allegiance is paramount to that which they owe to the State.

Which, on motion of Mr. Belden, was adopted.

Mr. Isabelle, of Orleans, moved to adopt the article as amended, and reading as follows, as article 2d of the Constitution:

ART. 2. All persons without regard to race, color or previous condition, born or naturalized in the United States and residents of this State for one year, are citizens of this State. The citizens of this State owe allegiance to the United States; and this allegiance is paramount to that which they owe to the State. They shall enjoy the same civil, political, and public rights and privileges, and be subject to the same pains and penalties.

Which was adopted unanimously.

Mr. Thos. Isabelle moved to adopt article 2d of the majority report of the Committee on Draft of the Constitution as the 3d article of the Constitution.

And the article, reading as follows, was adopted:

ART. 3. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

Mr. Thos. Isabelle moved to adopt the 3d article of the majority report as the 4th article of the Constitution.

And the article, reading as follows, was adopted:

ART. 4. The press shall be free; every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of this liberty.

Mr. J. B. Lewis, of DeSoto, moved to adopt the 4th article of the majority report, as the 5th article of the Constitution.

Mr. Wickliffe moved to amend by striking out the word "to" before the word petition."

Adopted.

And the article, as amended, and reading as follows, was adopted :

ART. 5. The right of the people peaceably to assemble and petition the Government or any department thereof, shall never be abridged.

Mr. Wickliffe moved to adopt the 5th article of the majority report as the 6th article of the Constitution. And the article, reading as follows, was adopted:

ART. 6. Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an impartial jury of the parish in which the offense was committed, unless the venue be changed. He shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor. He shall not be tried twice for the same offense.

Mr. Blandin moved to adopt the sixth article of the majority report as the seventh article of the Constitution.

Mr. Packard moved to amend by inserting after the word "suspended," the words "except in cases of insurrection or invasion."

The amendment was withdrawn and renewed by Mr. Newsham.

The amendment was laid on the table and the article, reading as follows, was adopted:

ART. 7. All persons shall be bailable by sufficient securities, unless for capital offenses where the proof is evident or the presumption great, or unless after conviction for any crime or offense punishable

with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended.

Mr. Cooley, of Point Coupee, moved to adopt the 7th article of the majority report as the 8th article of the Constitution, reading as follows:

ART. 8. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

Which was adopted.

Mr. Cooley, of Point Coupee, moved to adopt article 8, majority report, as the 9th article of the Constitution, reading as follows:

ART. 9. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

Which was adopted.

Mr. Isabelle, of Orleans, moved to adopt the 9th article of the majority report as the 10th article of the Constitution, reading as follows, which was adopted:

ART. 10. All courts shall be open; and every person, for an injury done him in his land, goods, person or reputation, shall have adequate remedy by due process of law, and justice administered without denial or unreasonable delay.

Mr. Lewis moved to adopt article 10 of the majority report as article 11 of the Constitution, reading as follows, which was adopted:

ART. 11. No law shall be passed regulating labor and fixing the price thereof.

Mr. Tinchant moved to reconsider the vote by which the last article was adopted.

Carried.

Mr. Wickliffe moved to expunge the article.

Mr. Packard moved to expunge and to adopt as article 11 of the Constitution article 11 of the minority report.

Mr. Crawford asked for a division of the question, and that a vote be taken on the motion to expunge and the motion to adopt separately.

On motion of Mr. Crawford the Conven-

tion adjourned until 11 o'clock to-morrow.

A true copy :

WM. VIGERS, Secretary.

### TWENTY-EIGHTH DAY.

NEW ORLEANS, Tuesday, Dec. 31, 1867.

The Convention met and was called to order by the President at 11 o'clock A. M.

The roll was called and the following members answered to their names :

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barret, Belden, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Douglass, U. Dupart, Duplessis, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, Hiestand, Ingraham, R. H. Isabelle, T. Isabelle, Jones, Kelso, Landers, Lange, J. B. Lewis, R. Lewis, Ludeling, Massicot, Meadows, McLeran, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Pindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Smith, Scott, Snider, Twitchel, Underwood, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—70 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

### ORIGINAL RESOLUTIONS.

By Mr. Harper, of St. Charles :

*Resolved*, That in every place in the Constitution where the word "parish" occurs, that it be stricken out and the word "county" inserted in its place.

Draft of the Constitution :

By Mr. Burrel, of St. John the Baptist :

WHEREAS, That Sunday, the first day of the week, is set apart by Christian nations as a day of rest and worship to Almighty God; therefore, be it

*Resolved*, That the General Assembly of this State shall pass such suitable laws as will encourage and foster a due respect for the proper observance of the Sabbath day.

General Provisions :

### REPORTS OF STANDING COMMITTEES.

Committee on Contingent Expenses submitted the following report:

Mr. President and Members of the Convention :

We, the Committee on Contingent Expenses, in obedience to a resolution offered by the Hon. A. Berthonneau, adopted on the 18th of December, requesting a report of the whole expenses of the Convention up to date, have the honor to report as follows:

Total expenses Committee on Printing.....	\$ 4,162 00
Total expenses Committee on Contingent Expenses for stationery, locks, keys, coal, &c .....	1,812 50
Total per diem of members.....	34,650 00
Mileage, about.....	10,000 00
Amount for officers and employees .....	3,250 00
 Total.....	\$53,874 50

Hy. BONSEIGNEUR,  
Chairman.

Which was received.

### UNFINISHED BUSINESS.

The report of the Committee on Draft of the Constitution being in order.

The motion of Mr. Packard, of Orleans, right bank, to expunge article 10 of the majority report, and to adopt article 11 of the minority report as article 11 of the Constitution, came up.

Mr. Reagan moved to refer the articles and amendments to Committee on General Provisions.

Mr. Waples moved to amend by striking out the word "and" and inserting the word "by"

Mr. Isabelle moved to lay the amendment on the table.

Adopted.

Mr. Packard withdrew his motion.

Mr. Cooley moved to adopt article 10 of the majority report as article 11 of the Constitution.

The previous question was demanded and ordered, and the ayes and nays were called, and the article, reading as follows :

ART. 11. No law shall be passed regulating labor and fixing the price thereof.

Was adopted as article 11 of the Constitution by the following vote—ayes 43, nays 32—as follows :

Ayes : Antoine, Baker, Barret, Belden, Berthonneau, Blackburn, Bonnefoi, Brown, Cooley, Crawford, Dearing, Demarest, Deslonde P. G., Donato, Douglass, Dupart U., Duplessis, Fuller, Gair, Guichard, Harris, Ingraham, Kelso, Landers, Lewis J. B., Lewis R., Ludeling, Marie, McLeran, Murrel, Morris, Myers, Newsham, Pierce, Pinchback, Riard, Scott, Snider, Steele, Tinchant, Twitchell, Valfroit, Vandergriff—43 ayes.

Nays : Bonseigneur, Burrel, Butler, Crane, Depasseau, Duparte G., Esnard

Francois, Gardiner, Harper, Isabelle R. H., Isabelle Thos., Jones, Lange, Leroy, Martin, Moses, Mushaway, Oliver, Packard, Poindexter, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Schwab, Smith, Underwood, Waples, Wickliffe, Williams and Wilson—32 nays.

Mr. Cooley moved to adopt article 11 of the majority report as article 12 of the Constitution, and the article, reading as follows:

ART. 12. Every person has the natural right to worship God according to the dictates of his conscience. No religious test shall be required as a qualification for office.

Was so adopted.

Mr. Pinchback moved to adopt the following as article 13 of the Constitution:

ART. 13. The right of all persons to travel on the common carriers and be entertained at all places of a public character in this State, shall not be infringed, or in any manner abridged.

The ayes and nays were called for and ordered.

And the article was adopted by the following vote;

Ayes 67, nays 8.

Yea: Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonseigneur, Brown Burrel, Butler, Crane, Cromwell, Demarest, Depasseau, P. G. Deslonde Donato, Douglass, G. Duparte, U. Dupart Duplessis, Esnard, Francois, Gardiner, Guichard, Harris, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Lewis, Marie, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Scott, Tinchant, Underwood, Valfroit. Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—67.

Nays: Barret, Cooley, Crawford, Fuller, Gair, Luleding, Snider, Steele—8.

Mr. Wickliffe moved to reconsider the last vote.

Mr. Cooley moved to lay the motion to reconsider on the table.

Lost.

The question was put upon the motion to reconsider, and it was adopted.

Mr. Wickliffe offered the following amendment:

All persons shall enjoy equal rights

and privileges, while traveling in this State; and all public places of amusement, refreshments, entertainments of any public nature whatever, shall be open to all persons alike. No company or municipal, parish or chartered corporation shall make any rules or regulations creating any distinction between persons on account of race, color or previous condition.

Which was accepted by the mover.

Mr. Cooley moved to amend as follows: That the Legislature be instructed to provide for payment of tickets to theatres of such persons as are unable to pay, so as to secure a more perfect equality.

Laid on the table.

Mr. Packard moved to amend by reading the words "no distinction on the ground of race or color."

Amendment accepted by the mover.

On motion of Mr. Oliver the Convention adjourned until Thursday at 11 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

#### TWENTY-NINTH DAY.

NEW ORLEANS, Thursday, Jan. 2, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 11 o'clock A. M.

The following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Barret, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde P. G., Donato, Douglass, Duparte G., Dupart U., Duplessis, Esnard, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis R., Massicot, McLeran, McMillan, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Smith, Snaer, Scott, Snider, Steele, Twitchell, Vandergriff, Vidal, Wickliffe, Williams, Wilson—74 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Smith, of Orleans:

WHEREAS, A large number of land-holders of the State of Louisiana having failed

to pay their State and parish taxes for the years 1865 and 1866 and causing said lands to be returned to the State as forfeited by the several tax collector's of the State for said years; and

WHEREAS, The impoverished condition of the State Treasury caused by the inefficient manner of the collection of said taxes, the necessary delays, etc., be it

*Resolved*, That the Governor of the State of Louisiana be directed through the Auditor of Public Accounts, to notify the State tax collectors of the State of Louisiana to proceed to the collection of all arreased taxes by seizure and sale of all lands of lots of ground upon which such taxes are due or a portion thereof to a sufficient amount to satisfy the taxes and costs of proceedings.

Lies over.

By Mr. Pinchback, of Orleans:

*Be it ordained by the Constitutional Convention of Louisiana*, The members and officers of the Convention shall be paid out of any monies in the Treasury of the State to the credit of this Convention in preference to the Official Printer or printers and all other creditors, and the State Treasurer is hereby ordered not to pay any warrant or warrants drawn in favor of the Official Printer or printers, or other creditors until the warrants in favor of delegates and officers are fully paid.

Mr. Pinchback moved to suspend the rules to put it on its passage.

Adopted.

Mr. Cooley moved to adopt the resolution.

Mr. Bertonneau, of Orleans, moved to lay it on the table, which was ruled out of order.

The question was put upon the adoption of the ordinance, and it was adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Finance—Progress.

Committee on Contingent Expenses—No report.

By Mr. R. H. Isabelle, of Orleans:

WHEREAS, The proprietors of the New Orleans Picayune have daily furnished this Convention with morning and evening papers; and

WHEREAS, Some compensation to the proprietors of said journal, toward the payment of its labors, is due as an act of justice; and, while this Convention ignores the editorial sentiments of said journal, yet, as a question of labor.

*Be it ordained by the Constitutional Con-*

*vention of the State of Louisiana*, That the sum of five hundred dollars be and is hereby appropriated to the credit of the proprietors of said New Orleans Picayune, to be paid out of any funds raised or to be raised to pay the expenses of this Convention.

*Be it further ordained*, That said proprietors shall receive warrants for the above mentioned five hundred dollars, signed in the same manner as those issued for the payment of delegates to this Convention.

Mr. Cooley, of Point Coupee, moved to amend as follows:

*Provided*, That every member of this Convention shall in the future have the right to instruct the Sergeant-at-Arms what papers shall be furnished to him.

Mr. Cooley, of Point Coupee, moved to refer to the Committee on Contingent Expenses.

Mr. Depasseau, of Orleans, moved to suspend the rules to put it upon its passage.

Lost.

And the resolution lies over under the rules.

Mr. Moses, of Orleans, moved that no member shall be allowed to speak more than ten minutes on any point.

Laid on the table.

Mr. Wickliffe, of Orleans, moved that the Committee on Finance be required to report finally by next Saturday, as to the loan to be effected in virtue of Mr. Cooley's advices.

Mr. Cooley, of Point Coupee, moved to lay on the table.

Adopted.

#### UNFINISHED BUSINESS.

The report of Committee on Draft of the Constitution was called up. Mr. Pinchback's motion to adopt the article proposed by him as article 13, of the Constitution, and Mr. Wickliffe's substitute therefor were under consideration.

Mr. Ingraham moved the following amendment as a substitute:

ART. 13. All persons shall enjoy equal rights and privileges while traveling in this State, on all common carriers. All business places requiring a license from either State, parish or municipal authorities, shall be open to all persons in this State, without regard to race or color.

Mr. Vandergriff was called to the chair.

Ir. Wickliffe, of Orleans, moved to lay amendment of Mr. Ingraham on the e.  
adopted.

Ir. Moses, of Orleans, moved to amend inserting the words "previous condit."

Ir. Cromwell, of Orleans, moved to and by substituting:

ART. 11. The right of all persons to el on all public highways and upon all lic conveyances shall not be abridg-

And all public conveyances, being mon carriers, shall make no distinction s in their public rights and privi- s on account of race, color or previous dition of servitude; but shall be bound arry and treat all persons alike and on al terms.

Ir. Cooley moved to amend by striking all after the word "abridged," and add law."

Ir. Dupart moved to lay Mr. Cromwell's stitute, and all subsequent amendments, the table.  
adopted.

Ir. Reagan, of East Baton Rouge, ed to amend by substituting:

ART. 13. The right of all persons, within State to travel and be entertained or mitted to enjoy all places of public isements, upon terms of legitimate ality, shall not be infringed or in any abridged.

Ir. Wilson, of Orleans, moved to lay it the table.

adopted.

Ir. Cooley, of Point Coupee, moved to end Mr. Wickliffe's snbstiute as follows: *Provided*, That this article is not intend- to give any greater rights and privileges colored persons than are now enjoyed by te persons, by the laws of the State. Which was laid on the table.

Ir Blackburn, of Claiborne, moved the owing amendment:

The Legislature shall pass no law dis- minating between persons on account of e or color, either in matters of the com- n rights of all mankind, or of constitu- l liberty.

On motion the Convention adjourned un- to-morrow, at 10 o'clock A. M.

A true copy.

WM. VIGERS, Secretary.

### THIRTIETH DAY.

NEW ORLEANS, Friday, Jan. 3, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President ; Messrs. An- toine, Baker, Belden, Bonseigneur, Burrel, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Deslonde P. G., Dupart U., Du- plessis, Edwards, Francois, Ferguson, Gair, Guichard, Harris, Hempstead, Ingraham, Isabelle R. H., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis Richard, Marie, Martin, Meadows, McLe- ran, Mushaway, Oliver, Packard, Pierce, Reagan, Reese, Riard, Riggs, Rodriguez, Smith, Scott, Steele, Underwood, Vander- griff, Wickliffe, Williams, Wilson.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

### ORIGINAL RESOLUTIONS.

By Mr. P. G. Deslonde:

*Resolved*, That the portrait of the immortal Abraham Lincoln shall be placed in this hall. I respectfully call the attention of the members on this fact.

Lies over.

Mr. Moses moved that no member shiall be allowed to speak more than ten minutes upon any subject, except by the consent of two thirds of the members of the Conven- tion.

The motion was laid on the table.

### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.  
Committee on Finance—Progress.  
Committee on Enrollment—Progress.  
Committee on Contingent Expenses—No report.

### UNFINISHED BUSINESS.

The reports of the Committees on the Draft of the Constitution were taken up, the following amendment of Mr. Blackburn to the substitute of Mr. Wickliffe being under consideration:

The Legislature shall pass no law dis- minating between persons on account of e or color, either in matters of the com- n rights of all mankind, or of constitu- l liberty.

Mr. Cooley was called to the chair.

Mr. Wickliffe, of Orleans, moved to lay the amendment on the table.

Lost—ayes 18, nays 29.

Mr. Blackburn desired to withdraw his amendment.

The Chair decided that this could not be done, except by consent of the Convention.

On motion of Mr. Smith the consent of the Convention was given, and the amendment was withdrawn.

Mr. Belden, of Orleans, submitted the following substitute as an amendment to Mr. Wickliffe's substitute:

ART. 13. All persons shall enjoy equal rights and privileges while traveling in this State, upon any conveyance of a public character, and all business places or otherwise, carried on by charter, or for which a license is required by either State, parish or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

Mr. Wickliffe raised the point of order, that a substitute for an article, itself a substitute for the original proposition, could not be entertained.

The Chair decided the point of order to be well taken.

Mr. Pinchback appealed from the decision of the Chair.

And the question being put to the Convention, the Chair was sustained.

Mr. Smith asked leave to retire with the privilege of recording his vote upon his return, which was granted.

Mr. Pinchback submitted the following amendment :

All persons shall enjoy equal rights and privileges while traveling in this State upon any conveyance of a public character. And all business places, and those otherwise carried on by charter, or from which a license is required by either State, parish or municipal authority, shall be deemed places of a public character, and shall be open to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

The Chair decided that Mr. Pinchback's original proposition had become the property of the Convention and that he could not accept a substitute, and his amendment was not in order, being a substitute to a substitute.

Mr. Pinchback appealed from the decision of the Chair.

The question being put to the Convention, the Chair was sustained.

Mr. Packard moved to amend the substitute of Mr. Wickliffe by inserting :

The equal rights and privileges of all persons while traveling on public conveyances in this State, shall not be infringed by reason of race or color, and places of a public character where licence is required from State parochial or municipal authority, shall extend the same rights and privileges to persons without distinction of race or color.

Mr. McMillan asked for a call of House and the roll was called.

The question was put upon the amendment of Mr. Packard, which was lost—a 17, nays 57—as follows:

Ayes : Antoine, Barret, Brown, Burr Dearing, Damarest, Douglass, Gair, Harry Hiestand, Leroy, J. B. Lewis, Massic Meadows, McMillan, Moses, Packard—

Nays : Belden, Bertonneau, Bland Bonseigneur, Bonnefoi, Butler, Cool Crane, Crawford, Cuney, Depasseau, Deslonde P. G., Donato, Dupart G., Dup U., Duplessis, Edwards, Esnard, Francois Fuller, Ferguson, Guichard, Ingraham, Isabelle R. H., Isabelle Thos., Jacks Jones, Kelso, Lange, Lewis R., Ludeling Marie, Martin, McLeran, Morris, Murrell, Myers, Oliver, Pinchback, Poindexter, Pollard, Reagan, Reese, Rig Riard, Rodriguez, Schwab, Scott, Snid Steele, Tinchant, Vandergriff, Vidal, Williams, Wilson—57 nays.

The question was put upon the adoption of Mr. Wickliffe's substitute, and it was lost—ayes 22, nays 53—as follows:

Ayes : Brown, Burrel, Butler, Crane, Depasseau, Deslonde P. G., Donato, Dup U., Gair, Isabelle R. H., Jackson, John Martin, Mushaway, Pollard, Riggs, Rodriguez, Schwab, Vidal, Wickliffe, Williams, Wilson—22.

Nays : Antoine, Barrett, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Cleary, Crawford, Cromwell, Cuney, Deary, Damarest, Douglass, Dupart U., Duplessis, Edwards, Esnard, Francois, Fuller, Ferguson, Guichard, Harper, Hiestand, Ingman, Isabelle Thos., Kelso, Lange, Ler Lewis J. B., Lewis R., Ludeling, Massicot, Meadows, McLeran, McMillan, Morris, Moses, Murrell, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Reagan, Riard, Scott, Snider, Steele, Tinchant, Vandergriff—53.

Mr. Pinchback asked leave to withdraw the original article proposed by him, as

le 13, which was granted, and the article  
is withdrawn.

Mr. Crawford moved to adjourn.

Lost.

Mr. Pinchback moved to adopt the fol-  
wing as article 13 of the Constitution :

All persons shall enjoy equal rights and  
privileges while traveling in this State upon  
any conveyance of a public character, and  
business places or otherwise, carried on  
charter, or for which a license is required  
either State, parish or municipal authority,  
shall be deemed places of a public  
character, and shall be opened to the ac-  
commodation and patronage of all per-  
sons without distinction or discrimination  
account of race or color.

The previous question was ordered.

The question was put upon the adoption  
the article.

The roll was called and the article, read-  
ing as follows:

**ART. 13.** All persons shall enjoy equal  
rights and privileges while traveling in this  
State, upon any conveyance of a public  
character, and all business places or other-  
wise, carried on by charter, or for which a  
license is required by either State, parish  
or municipal authority, shall be deemed  
places of a public character, and shall be  
opened to the accommodation and patronage  
of all persons, without distinction or dis-  
crimination on account of race or color.

Was adopted—ayes 58, nays 16—as fol-  
lows:

**Ayes:** Antoine, Belden, Bertonneau,  
Bardin, Bonseigneur, Bonnefoi, Brown,  
Burrel, Butler, Crane, Cromwell, Cuney,  
Depasseau, P. G. Deslonde, Donato, Doug-  
lass, G. Dupart, U. Dupart, Duplessis,  
Esnard, Francois, Gair, Guichard, Har-  
riss, Hiestand, Ingraham, R. H. Isabelle,  
Isos, Isabelle, Jackson, Kelso, Landers,  
Lange, Leroy, Marie, Martin, Massicot,  
Meadows, McLeran, Morris, Moses, Murrel,  
Mushaway, Myers, Oliver, Pierce, Pinch-  
back, Poindexter, Pollard, Reagan, Riard,  
Riggs, Rodriguez, Schwab, Scott, Tinchant-  
dal, Williams, Wilson—58.

**Nays:** Barret, Cooley, Crawford, Dear-  
g, Demarest, Edwards, Ferguson, Harper,  
Lewis J. B., Ludeling, McMillan, Packard,  
Reese, Snider, Steele, Wickliffe—16 nays.

On motion the Convention adjourned till  
tomorrow at 11 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

### THIRTY-FIRST DAY.

NEW ORLEANS, Saturday, Jan. 4, 1868.

The Convention met pursuant to adjourn-  
ment.

The President called it to order at 11  
o'clock A. M.

The roll was called and the following  
members answered to their names:

J. G. Taliaferro, President; Messrs. Anto-  
oine, Baker, Barret, Belden, Bertonneau  
Blackburn, Blandin, Bonseigneur, Bonne-  
foi, Burrel, Butler, Cooley, Crane, Craw-  
ford, Cromwell, Cuney, Dearing, Demarest,  
Depasseau, P. G. Deslonde, J. Deslonde,  
Donato; Douglass, G. Duparte, U. Du-  
part, Duplessis, Esnard, Francois, Ful-  
ler, Ferguson, Gair, Guichard, Harper,  
Harris, Hempstead Hiestand, Ingraham,  
R. H. Isabelle, T. Isabelle, Jackson, Jones,  
Kelso, Landers, Lange, Leroy, J. B. Lewis,  
R. Lewis, Ludeling, Marie, Massicot, Mead-  
ows, McMillan, Morris, Moses, Murrel,  
Mushaway, Myers, Newshaw, Oliver, Pack-  
ard, Pierce, Pinchback, Poindexter, Pol-  
lard, Reagan Reese, Riard, Riggs, Ro-  
driguez, Snaer, Scott, Snider, Steele, Thiba-  
baut, Tinchant, Twitchell, Underwood,  
Vandergriff, Waples, Wickliffe, Williams,  
Wilson—83.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

### ORIGINAL RESOLUTIONS.

By Mr. Cooley, of Point Coupee:

*Be it ordained by the Constitutional Conven-  
tion of Louisiana,* The Sheriffs and tax col-  
lectors of the State, except of the city of  
New Orleans, Orleans right bank and par-  
ish of Jefferson, shall give notice to the tax  
payers of their respective parishes, to pay  
the tax of one mill per cent. levied by ordi-  
nance of the 24th of December, 1867, by  
this Convention, and thirty days after  
service of said notice, those who shall not  
have paid the tax due by them, shall be con-  
sidered in default; and the Sheriffs and tax  
collectors shall exact an additional tax from  
such persons of twenty-five per cent.  
upon the sum due by them for the first de-  
fault, and an additional tax of ten per cent.  
to be computed on the original tax, for  
every subsequent thirty days; said persons  
shall continue to be in default, up to the  
date of the final settlement.

*Be it further ordained,* The Sheriffs and  
collectors of the city of New Orleans, Or-  
leans right bank and parish of Jefferson,  
shall, by public notice in one newspaper,  
published in their parish, call upon all tax  
payers to pay the tax levied by the ordi-  
nance of the 24th December, above men-  
tioned; and all persons who shall not have

paid the amounts due by them on account of said tax, ten days after the publication of the above required notice, shall pay an additional tax of twenty-five per cent. on the original tax, and an additional tax of two and a half per cent. on the original tax of one mill per cent; for every subsequent ten days, said persons shall continue to be in default.

*Be it further ordained,* Immediately after the tax payers shall have been put in default by the expiration of the thirty or ten days, as the case may be, given in the notice required by the first and second sections of this ordinance. The Sheriffs and tax collectors throughout the State, shall proceed to seize and sell, after ten days notice, property of the delinquent tax payers, movable or immovable, sufficient to pay the original tax, all additional taxes herein levied, and costs.

Mr. Cooley moved to suspend the rules to put the ordinance on its final passage.

Adopted.

The ordinance was read a second time, and on motion of Mr. Cooley, was adopted unanimously.

By Mr. Crawford, of Caldwell:

*Resolved,* That the Committee on Contingent Expenses be and they are hereby directed to report to this Convention a specific and detailed account of all the expenses incurred by them for the contingent expenses of the Convention, setting forth a specific bill of items showing the quantity and price of each and every article purchased by them, and from whom purchased.

Lies over.

By Mr. Poindexter:

*Resolved,* That no member shall be allowed to speak more than 10 minutes upon any subject, except by leave of two thirds of the members present.

Mr. Lewis moved to suspend the rules to put it on its final passage.

Adopted.

Mr. Belden moved to amend by inserting "20 minutes" instead of "10."

The amendment was accepted.

The question was put upon the adoption of the resolution as amended, and it was adopted.

By Mr. J. H. Landers :

*Resolved,* That the Mississippi Agricultural, Educational and Manufacturing Aid Society is hereby legalized in the State of Louisiana with all the powers and franchises granted them by their charter. And that said society is hereby granted special

privileges, and is authorized to begin carry on their business in this State at the meeting of the first Legislature, assembled under the Constitution that may be adopted by this Convention; and that shall be the duty of the Legislature to act such laws as shall enable said society to carry out the objects of the Association and protect the interests of all the citizens of Louisiana.

Lies over.

By Mr. F. Marie, of Terrebonne:

WHEREAS, It is proper and just to equalize taxes so as to bear equitably on every kind of industry and trade; and

WHEREAS, Newspapers are not adequately taxed under the existing system, the not being proportioned to their amount of lucrative business; therefore, be it

*Resolved,* That it shall be the duty of the first Legislature convened in this State to adopt the Constitution, to provide law to the effect that a tax of no less than five cents and no more than ten cents per square of ten lines agate, or its equivalent, shall be levied on those parts of any newspaper devoted to the publication of advertisements, cards or notices whatever each and every issue of the same, except however, advertisements and notices published by the various departments of Federal, State, parish and city government and public officers.

*Resolved,* That the publishers of every newspaper in the State shall furnish to the assessor of the district in which it is published a copy of every issue, and that shall be the duty of said assessor to make an account of the space devoted to advertisements, notices and cards in said newspapers; and to send said account every week to the proper collector for collection.

Referred to the Committee on General Provisions.

By Mr. McMillen, of Carroll:

WHEREAS, The business of the Convention is materially embarrassed by persons not members thereof being admitted within the bar, and abusing the courtesy shown them by moving about from seat to seat, conversing with members upon political subjects; therefore, be it

*Resolved,* That all persons admitted within the bar upon the special invitation of a member of the Convention, will be required to sit with the member giving the invitation, and observe the rules of decorum adopted for the government of the Convention.

*Resolved,* That only such persons as be invited from day to day by mem-

of the Convention shall be admitted within the bar.

Mr. McMillen moved to suspend the rules to put the resolution on its final passage.

The rules were suspended.

Mr. Belden, of Orleans, moved to amend by striking out the words "political subjects."

The amendment was accepted.

Mr. Harper moved to amend by striking out all after the word "resolved," and inserting:

That no person not a member, officer, or employee be admitted within the bar without a vote of the majority of the members of the Convention.

Mr. Bertonneau moved to lay the amendment on the table.

Adopted.

And on motion of Mr. McMillen, the resolution, as amended, and reading as follows:

WHEREAS. The business of the Convention is materially embarrassed by persons not members thereof being admitted within the bar, and abusing the courtesy shown them by moving about from seat to seat conversing with members; therefore, be it

*Resolved*, That all persons admitted within the bar upon the special invitation of a member of the Convention, will be required to sit with the member giving the invitation, and observe the rules of decorum adopted for the government of the Convention.

*Resolved*, That only such persons as may be invited from day to day by members of the Convention shall be admitted within the bar.

Was adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Contingent Expenses—No report.

Committee on Finance—Progress.

The Committee on Enrollment submitted the following report :

ROOM OF COMMITTEE ON ENROLLMENT,  
New Orleans, La., Jan. 3, 1868.  
To the President and Members of the Constitutional Convention:

Your Committee on Enrollment would respectfully report that they have this day caused to be enrolled the ordinance of Mr. Pinchback, of Orleans, in reference to the payment of members of this Convention in preference to the Official Printer and others. And caused the same to be transmit-

ted to the Secretary of State, and to the Treasurer and Auditor of State respectively.

J. B. VANDERGRIFF,  
Chairman Committee on Enrollment.

Mr. Cooley moved to recommit the report of the Committee on Contingent Expenses to the committee, with instructions to make a more detailed report.

Adopted.

#### UNFINISHED BUSINESS.

The reports of the Committee on Draft of the Constitution being in order, Mr. Crane moved to adopt the following article:

To prevent and punish official and professional extortion, wrong and injustice upon the interests, rights, liberties and welfare of the uneducated, unsuspecting, unofficial and unprofessional masses of the people. The Legislature of this State may pass laws to regulate said labor, and in the aforesaid class of cases, fix the fees, prices and compensation, unless the party or parties establish a special and legal contract, or in the absence thereof.

Mr. Crawford raised the point of order that the resolution not being germane to the articles now under consideration, should lie over. And the Chair so ruled.

Mr. Tinchant appealed from the decision of the Chair, and the question on the appeal being put to the Convention, the Chair was sustained.

Mr. Crane moved to print 100 copies of the article.

Mr. Tinchant moved to lay the motion to print on the table.

Adopted.

Mr. Reagan moved to substitute for article 12, of the majority report, the following, to be article 14 of the Constitution:

All rights not enumerated in this title, and not in conflict with its meaning and design, shall in no wise be infringed or abridged.

Mr. Ingraham moved to adopt article 20, of the minority report, as article 14 of the Constitution.

Mr. McMillen raised the point of order that the article offered by Mr. Ingraham was a substitute to a substitute, and not in order.

And the Chair so ruled.

Mr. Pinchback was called to the chair.

Mr. Burrel moved to lay the substitute of Mr. Reagan on the table.

Adopted.

Mr. Berthonneau moved to adopt article 12, of the majority report, as article 14 of the Constitution, and the article reading as follows:

ART. 14. The rights enumerated in this title shall not be construed to limit or abridge other rights of the people not herein expressed.

Was adopted as article 14 of the Constitution.

Mr. Packard moved to adopt article 13, of the majority report, as article 15 of the Constitution.

Mr. Ingraham moved to substitute article 23, of the minority report, in place of article 13, of the majority report, to be article 15 of the Constitution.

Mr. Waples moved to indefinitely postpone the substitute of Mr. Ingraham.

Adopted.

Mr. Crane moved to amend by striking out the word "Representatives" and inserting the word "delegates."

Mr. Jones moved to lay the amendment on the table.

Adopted.

The question was put upon the adoption of article 13, of the majority report, as article 15 of the Constitution, and the article, reading as follows:

ART. 15. The Legislative power of the State shall be vested in two distinct branches. The one to be styled "the House of Representatives," the other "the Senate," and both "the General Assembly of the State of Louisiana."

Was adopted.

Mr. Blandin moved to adopt article 14, of the majority report, as article 16 of the Constitution.

Mr. Crane moved to amend by substituting the words "one year" for the words "two years."

Mr. Underwood moved to lay the amendment on the table.

Adopted.

The question was put on the adoption of article 14, of the majority report, as article 16 of the Constitution. And the article, reading as follows:

ART. 16. The members of the House of Representatives shall continue in office for two years from the day of the closing of the general elections.

Was adopted.

Mr. Blandin moved to adopt article 15, of the majority report, as article 17 of the Constitution.

Mr. Tinchant moved to amend by striking out the word "Monday" and inserting the words "Friday and Saturday," and striking out the word "one" and inserting the word "two."

Mr. Barret called for a division of the question.

The Chair decided that the question was not susceptible of division.

And the amendment was adopted.

The question was put upon the adoption of the article as amended.

And it was lost.

Mr. Crawford moved to adopt articles 16, 17, 18 and 19, of the majority report.

Mr. Rodriguez objected.

And the motion was withdrawn.

Mr. Ingraham moved to adopt article 16 of the majority report, as article 17 of the Constitution.

And the article reading as follows:

ART. 17. Representatives shall be chosen the first Monday in November, every three years, and the election shall be completed one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

Was adopted.

Mr. Packard moved to amend article 16 of the majority report, by striking out after the word "representation," and to add it as so amended.

Mr. Underwood moved to substitute its place article 27 of the minority report.

Mr. Underwood withdrew his substitute.

On motion, the amendments were laid on the table.

The question was stated by the Chair, be upon the adoption of article 16, of the majority report, as article 18 of the Constitution.

Mr. Underwood moved to substitute article 27 of the minority report.

Mr. Waples moved to amend the substitute by striking out the word "twenty-five" and inserting the word "thirty."

The previous question was ordered.

The ayes and nays were called with the following result—ayes 27, nays 46—as follows :

Yea: Barret, Berthonneau, Bonseigneur, Brown, Butler, Cooley, Crane, Crawford, Demarest, Depasseau, G. Duparte, Duplessis, Esnard, Gardiner, T. Isabelle, R. H. Isabelle, Jackson, Lynch, Moses, Mushaway, Poindexter, Riggs, Rodriguez, Schwab, Waples, Williams, Wilson—27 ayes.

Nay: Antoine, Belden, Blandin, Bonnefoi, Burrel, Cromwell, Dearing, P. G. Deslonde, Donato, U. Dupart, Francois, Fuller, Ferguson, Gair, Harper, Harris, Hempstead, Hiestand, Ingraham, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, McLeran, McMillan, Morris, Oliver, Packard, Pierce, Pinchback, Reagan, Reese, Riard, Roberts, Smith, Scott, Snider, Tinchant, Underwood, Vandergriff, Vidal, Wickliffe—46 nays.

And the amendment was lost.

The question recurring upon Mr. Underwood's motion to amend by substituting article 27, of the majority report, for article 16 of the minority report.

The ayes and nays were called with the following result—ayes 48, nays 27—as follows :

Ayes: Antoine, Belden, Blandin, Bonnefoi, Burrel, Cromwell, Dearing, Deslonde P. G., Donato, Douglass, Dupart U., Francois, Fuller, Ferguson, Gair, Gardiner, Harper, Harris, Hempstead, Hiestand, Ingraham, Jones, Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis R., Massicot, McLeran, Morris, Murrel, Newsham, Oliver, Packard, Pierce, Pinchback, Reagan, Reese, Riard, Roberts, Schwab, Scott, Tinchant, Underwood, Vandergriff, Vidal, Wickliffe—48 yeas.

Nay: Barret, Berthonneau, Bonseigneur, Brown, Cooley, Crane, Crawford, Demarest, Depasseau, Duparte G., Duplessis, Esnard, Isabelle R. H., Isabelle Thos., Jackson, Lynch, McMillan, Moses, Mushaway, Poindexter, Riggs, Rodriguez, Smith, Snider, Waples, Williams, Wilson—27 nays.

And the amendment was adopted.

The question was then put upon the adoption of the original article, as amended, as article 18 of the Constitution, and the article as amended, and reading as follows:

ART. 18. Every elector under this Con-

stitution, shall be eligible to a seat in the House of Representatives; and every elector who has reached the age of twenty-five years, shall be eligible to the Senate; *Provided*, That no person shall be a Representative or Senator, unless at the time of his election, he be a qualified elector of the representative or senatorial district from which he is elected.

Was adopted.

The Committee on Finance submitted the following report:

To the President and members of the Constitutional Convention of the State of Louisiana:

GENTLEMEN.—In pursuance of the resolution adopted on the 24th inst., authorizing your Committee on Finance to negotiate a loan to defray the expenses of this Convention, our committee respectfully report that they have been unsuccessful in negotiating a loan.

Your committee, while endeavoring to negotiate a loan, received encouragement to such an extent that they have delayed their final report until this time.

Your committee respectfully request to be relieved from further duty in negotiating a loan.

H. W. FULLER, Chairman;  
JOHN S. HARRIS,  
W. L. McMILLAN.

On motion of Mr. Wickliffe the report was received, and the committee discharged.

On motion of Mr. Crawford the Convention adjourned till Monday at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

#### THIRTY-SECOND DAY.

NEW ORLEANS, Monday, Jan. 6, 1868.  
The Convention met pursuant to adjournment.

The President called the Convention to order at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Berthonneau, Bonseigneur, Bonnefoi, Brown, Butler, Crane, Cromwell, Cuney, Dearing, Depasseau, Deslonde, Jos. Deslonde, Douglass, Dupart, G. Duparte, Duplessis, Esnard, Francois, Ferguson, Gair, Gardiner, Guichard, Harris, Hempstead, Hiestand, Isabelle, Thos. Isabelle, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Lynch, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Reagan, Reese,

Riard, Riggs, Rodriguez, Schwab, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vandegriff, Waples, Wickliffe, Williams, Wilson—73 members present.

Prayer by Rev. Jos. Fisk.

The minutes were read.

Mr. Packard asked for a correction in the minutes, and the minutes, as amended, were adopted.

#### ORIGINAL RESOLUTIONS.

Mr. Waples moved that any delegate assigning reasons for his vote, shall do so in writing; and he may have them entered upon the journal, provided they do not cover more than half a page of foolscap.

Mr. Packard moved to lay the motion on the table.

Lost.

And the motion of Mr. Waples was adopted.

By Mr. Blackburn:

AN ORDINANCE relative to warrants issued by this Convention to defray the expenses thereof:

SECTION 1. *Be it ordained*, That all warrants issued for defraying the expenses of this Convention shall bear eight per cent. interest per annum from date of the convening of this Convention, until paid for or received by the State Treasurer for State dues; and said warrants shall be received by all Sheriffs and State tax collectors in payment for all dues to the State for taxes and licenses; and the State Treasurer shall receive them from said Sheriffs and State tax collectors, as well as for the sale of public lands.

SEC. 2. *Be it further ordained*, That the State Treasurer be and is hereby prohibited from receiving for State dues, taxes or licenses and warrants, others than those issued by this Convention.

SEC. 3. *Be it further ordained*, That the State Auditor be and he is hereby directed to notify all Sheriffs and tax collectors of the passage of this ordinance, and direct their compliance therewith.

Mr. Bonseigneur moved to suspend the rules to put the resolution upon its passage.

Adopted.

Mr. Crane moved to amend by inserting "municipal and city authorities."

Mr. Berthonneau moved to lay the resolution on the table.

Lost.

Mr. Cooley moved to amend by substituting the following:

The Sheriffs and tax collectors throughout the State shall pay in the State treasury, in the currency actually received by them, all sums collected by them under the Tax Ordinance passed by this Convention on the 24th December, 1867, and, in all cases when they offer the warrants issued by authority of this Convention, in payment of taxes collected by them, it shall be the duty of the Auditor of Public Accounts to require from said Sheriffs and tax collectors, evidence that the said warrants were honestly received by them in payment of taxes levied by this Convention; *Provided*, The oath of the Sheriffs and tax collectors shall be received to prove the fact.

Mr. Waples moved to refer the ordinance and substitute to a committee of two, composed of Messrs. Cooley and Blackburn, with instructions to report to-morrow.

Mr. Jones called for the previous question, which was ordered.

The question was stated by the Chair to be upon Mr. Waples' motion to refer to a special committee of two, consisting of Messrs. Cooley and Blackburn, the original resolution and the substitute.

And the motion was adopted.

Mr. Hempstead moved to add the President to the committee just named.

Adopted.

Mr. Moses moved that the Convention do hereafter change the hour of meeting from eleven to ten o'clock, for the purpose of expediting the business of the Convention.

Laid on the table.

By Mr. G. W. Reagan :

Petition to Congress for the relief of loyal sufferers during the rebellion:

WHEREAS, During the late war of the rebellion, many good and loyal persons, in this State, by orders of officers acting under proper authority, have sustained great losses in the destruction of property, by burning and otherwise ; and

WHEREAS, No provisions have yet been made for the relief of those suffering in consequence of the above orders ; therefore, be it

*Resolved*, That we, the people of Louisiana, in Convention assembled, do most respectfully and earnestly petition the Congress of the United States to immediately take the subject into consideration and adopt such measures as in its wisdom may

be deemed necessary and adequate to meet the authenticated claims of those whose losses were produced by causes above named.

*Resolved*, That a copy of this petition, signed by the President and Secretary of this Convention, be forwarded to Hon. Schuyler Colfax, Speaker of the House of Representatives of the United States.

Mr. Moses moved to lay on the table.

Adopted.

By Mr. Wickliffe :

ART.—Sec. 1. There shall be appointed by the Governor, every two years, by and with the advice and consent of the Senate, a Board of Health for the parishes of Orleans and Jefferson, consisting of seven members, whose qualifications and salaries shall be as provided by law.

SEC. 2. The said Board of Health shall have power to regulate in said parishes, in conformity with such laws as may be passed by the Legislature, the matters of quarantine, drainage, the removal and deposit of offals and filth, the location of stock yards, slaughter-houses, and nuisance wharves, and in short, have general supervision of all matters that affect or pertain to the public health in said parishes ; *Provided*, That no slaughter-houses or stock yards shall be allowed within the corporate limits of a city or town within said parishes, and that no nuisance wharves or dumping grounds shall be allowed in said parishes above or within one half mile below the present, or any other water works that may be constructed, so long as the cities of New Orleans and Jefferson are supplied with water from the Mississippi river; and *Provided further*, That all slaughter-houses and stock yards shall be located below the corporate limits of the city of New Orleans.

SEC. 3. No municipal corporation shall pass any ordinance conflicting this article, or upon the subject matter thereof. Lies over.

By Mr. Wickliffe, of Orleans :

ART.—The Legislature shall pass no laws, nor shall any parochial or municipal corporation pass any ordinance discriminating by taxation or license between citizens, residents and non-residents.

Lies over.

Mr. Hempstead moved to lay the resolution on the table.

The Chair decided the motion out of order.

Mr. Tinchant moved to reconsider the vote adopting article 14 of the Constitution.

Mr. Crane moved to lay the motion to reconsider on the table.

Adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Contingent Expenses—Progress.

Committee on Printing—No report.

Committee on Enrollment submitted the following report:

ROOMS COMMITTEE ON ENROLLMENT, {  
New Orleans, La., Jan. 7, 1868. }

To the President and Members of the Constitutional Convention:

The Committee on Enrollment would respectfully report that they have caused to be enrolled the ordinance of Mr. Cooley, in relation to the enforcement of the Tax Ordinance, and have sent one of each to the Secretary of State and Treasurer and Auditor, respectively.

Very Respectfully,

JOHN B. VANDERGRIFF,  
Chairman Committee on Enrollment.

Which was received.

#### UNFINISHED BUSINESS.

The reports of the Committee on Draft of the Constitution being in order.

Mr. Oliver moved to adopt article 17, of the majority report, as article 19 of the Constitution.

And the article, reading as follows:

ART. 19. Elections for members of the General Assembly shall be held at the several election precincts established by law.

Was adopted.

Mr. Cooley moved to adopt article 18, of the majority report, as article 20 of the Constitution.

Mr. Barret moved to amend by inserting, after the 7th line, the words "a census of the inhabitants."

Which was adopted.

Mr. Cooley moved to amend by striking out the word "Legislature" and inserting "General Assembly."

Which was adopted.

Mr. Lynch moved to amend by substituting as follows :

ART. 20. Representation in the House of Representatives shall be equal and uniform and after the first Legislature elected under this Convention shall be ascertained and regulated by the whole number of population, each parish in the State being entitled to at least one Representative. A census of the State by State authorities shall be taken in 1875, and every five years

thereafter. In case of informality, omission or error in the census returns from any district, the General Assembly shall order a new census taken in such parish or election district.

Mr. Harper moved to amend by striking out the word "parish," and inserting the word "county."

Mr. Isabelle moved to lay the amendment of Mr. Harper on the table.

Adopted.

Mr. Waples moved to amend the substitute by striking out the word "shall," and inserting the word "may," which was accepted by the mover.

Mr. Belden moved to amend by striking out the figures "1875," and inserting the figures "1870," and by striking out the word "five," and inserting the word "ten."

Which was accepted.

Mr. Cooley moved to amend by striking out the figures "1870," and inserting the figures "1875."

Mr. Bonseigneur moved to lay the amendment of Mr. Cooley on the table.

Adopted.

The question was put to the Convention upon the adoption of the substitute of Mr. Lynch, as amended, as article 20 of the Constitution.

And the article, reading as follows :

ART. 20. Representation in the House of Representatives shall be equal and uniform, and after the first General Assembly elected under this Convention, shall be ascertained and regulated by the whole number of population ; each parish in the State being entitled to at least one Representative. A census of the State by State authorities shall be taken in 1870, and every ten years thereafter. In case of informality, omission or error in the census returns from any district, the General Assembly may order a new census taken in such parish or election district.

Was adopted.

Mr. Wickliffe moved to adopt article 19, of the majority report, as article 21 of the Constitution.

Mr. Cooley moved to amend by striking out the word "Legislature," and inserting the words "General Assembly," and by striking out the words "qualified electors," and inserting the words "total population."

The amendment was accepted by the mover.

The question was put to the Convention upon the adoption of article 19, majority report, as article 21 of the Constitution, and the article, reading as follows :

ART. 21. The General Assembly, at the first session after the making of each enumeration, shall apportion the representation amongst the several parishes and representative districts, on the basis of the total population as aforesaid. A representative number shall be fixed and each parish and representative district shall have as many Representatives as the number of its total population will entitle it to have, and an additional Representative for any fraction exceeding one half of the representative number. The number of Representatives shall never exceed one hundred and twenty, nor be less than ninety.

Was adopted.

Mr. Cooley moved to recommit article 20, of the majority report, to the Committee on the Legislative Department, with instructions to report a new apportionment in accordance with the principle of representation now adopted.

Mr. Berthonneau moved to lay the motion to recommit on the table.

Adopted.

Mr. Hempstead moved to adopt article 20, of the majority report, as article 22 of the Constitution.

Various amendments were here offered by different members in regard to the ratio of representation of their several districts.

Mr. Twitchell moved to lay all the amendments on the table.

Adopted.

Mr. Jones moved to amend by substituting article 12, of the Constitution of 1864, as article 22 of the Constitution.

Mr. Berthonneau moved to lay the substitute on the table.

Adopted.

Mr. Hempstead moved to adopt article 20, of the majority report, as article 22 of the Constitution.

Mr. Blandin moved to amend by substituting article 31 of the majority report.

Mr. Hempstead raised the point of order that the motion to substitute, being offered while he was on the floor, was not in order.

The Chair decided that Mr. Blandin had  
the floor, and that the substitute was in  
order.

Mr. Cooley appealed from the decision of  
the Chair.

The question on the appeal being put  
to the Convention, the Chair was sustained.

The question was put upon the adoption  
of article 31, of the minority report, as  
article 22 of the Constitution.

And the article, reading as follows:

ART. 22. Until an apportionment shall be  
made, and elections held under the same,  
in accordance with the first enumeration  
to be made as directed in article 20, the  
representation in the Senate and House of  
Representatives shall be as follows:

For the parish of Orleans, and to be elect-  
ed as follows:

First Representative District.....	2
Second      "      "      " .....	3
Third      "      "      " .....	4
Fourth     "      "      " .....	2
Fifth      "      "      " .....	2
Sixth      "      "      " .....	1
Seventh     "      "      " .....	2
Eighth     "      "      " .....	1
Ninth      "      "      " .....	2
Tenth      "      "      " .....	3
Eleventh     "      "      " .....	1
Ascension.....	2
Assumption.....	2
Avoyelles.....	2
Baton Rouge, East.....	3
Baton Rouge, West.....	1
Bienville.....	1
Bossier.....	2
Caddo.....	3
Calcasieu.....	1
Caldwell.....	1
Carroll.....	2
Catahoula.....	1
Claiborne.....	2
Concordia.....	2
DeSoto.....	2
Feliciana, East.....	2
Feliciana, West.....	1
Franklin.....	1
Iberville.....	2
Jackson.....	1
Jefferson.....	4
Lafayette.....	1
Lafourche.....	2
Livingston.....	1
Madison.....	1
Morehouse.....	1
Natchitoches.....	2
Ouachita.....	2
Plaquemine.....	1
Point Coupee.....	2
Rapides.....	3

Sabine.....	1
St. Bernard.....	1
St. Charles.....	1
St. Helena.....	1
St. James.....	2
St. John Baptist.....	1
St. Landry.....	4
St. Martin's.....	2
St. Mary's.....	2
St. Tammany.....	1
Tensas.....	2
Terrebonne.....	2
Union.....	1
Vermillion.....	1
Washington.....	1
Winn.....	1

Total..... 101

And the State shall be divided into the  
following senatorial districts, to-wit :

The First, Second and Third Representa-  
tive Districts of New Orleans shall form  
one senatorial district and elect three Sen-  
ators.

The Fourth, Fifth and Sixth Representa-  
tive Districts of New Orleans shall form one  
district and elect two Senators,

The Seventh, Eighth and Ninth Representa-  
tive Districts of New Orleans and the  
parish of St. Bernard shall form one district  
and elect two Senators.

The Tenth Representative District of  
New Orleans shall form a district and elect  
one Senator.

Fifth District of New Orleans and the  
parish of Plaquemine shall form one dis-  
trict and elect one Senator.

The parishes of Jefferson, St. Charles  
and St. John Baptist shall form one dis-  
trict and elect two Senators.

The parishes of Ascension and St. James  
shall form one district and elect one Sen-  
ator.

The parishes of Assumption, Lafourche  
and Terrebonne shall form one district and  
elect two Senators.

The parishes of Vermillion and St.  
Mary shall form one district and elect one  
Senator.

The parishes of Calcasieu, Lafayette and  
St. Landry shall form one district and elect  
two Senators.

The parishes of Livingston, St. Helena,  
Washington and St. Tammany shall form  
one district and shall elect one Senator.

The parishes of Point Coupee, East Felici-  
ana and West Feliciana shall form one dis-  
trict and elect two Senators.

The parish of East Baton Rouge shall  
form one district and elect one Senator.

The parishes of West Baton Rouge, Iber-  
ville and St. Martin shall form one district  
and elect two Senators.

The parishes of Concordia and Avoy-

elles shall form one district and elect one Senator.

The parishes of Tensas and Franklin shall form one district and elect one Senator.

The parishes of Carroll, Madison and Morehouse shall form one district and elect two Senators.

The parishes of Ouachita and Caldwell shall form one district and elect one Senator.

The parishes of Jackson and Union shall form one district and elect one Senator.

The parishes of Bossier, Bienville and Claiborne shall form one district and elect two Senators.

The parish of Caddo shall form one district and elect one Senator.

The parishes of DeSoto, Natchitoches and Sabine shall form one district and elect two Senators.

The parish of Rapides shall form one district and elect one Senator.

The parishes of Catahoula and Winn shall form one district and elect one Senator.

Thirty-six Senators in all.

Was adopted.

On motion of Mr Blandin, the Convention adjourned until to-morrow, at 11 o'clock.

A true copy:

WM. VIGERS, Secretary.

### THIRTY-THIRD DAY.

NEW ORLEANS, Tuesday, Jan. 7, 1868.

The Convention met pursuant to adjournment.

The President called the House to order at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Beronneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, J. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Francois, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiesland, Ingraham, R. H. Isabelle, T. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Lynch, Marie, Martin, Massicot, Meadows, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Scott, Snider, Steele, Thibaut, Underwood, Valfroit, Van-

dergriff, Vidal, Waples, Wickliffe, Williams, Wilson—81 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and were corrected by the substitution of Mr. Blandin's, in place of Mr. Belden's name, as the mover of the substitute to Mr. — motion.

The minutes, as amended, were adopted.

Mr. Moses moved that the Convention hereafter change the hour from eleven to ten o'clock, for the purpose of expediting the business of this Convention.

Which was ruled out of order.

Mr. Waples moved to take up the motion of Mr. Moses on the same subject offered yesterday.

Lost.

### ORIGINAL RESOLUTIONS.

By Mr. Oliver :

*Resolved*, Any registered voter shall vote in the parish where he resides, whether he is registered in said parish or not.

Mr. Cooley moved to amend by adding "and truly loyal."

Mr. Jones, to amend by adding "has served in the United States army."

Mr. Cooley, to amend by adding "and who was never dismissed the service."

Mr. Belden moved to lay the resolution on the table subject to call.

Adopted.

By Mr. Blackburn, Chairman of Committee on Printing :

*Resolved*, That five hundred copies of the Journal of the Convention be published in French, in book form, by the editor of the St. Landry Progress, the book to be composed in bourgeois type, the pages to be of the same size of such work, and to be folded and stitched in the ordinary style; *Provided*, That this Convention shall pay the editors of the St. Landry Progress five dollars per page for the same.

Mr. Beronneau moved to suspend the rules to place it on its passage.

Adopted.

Mr. Beronneau moved to lay it on the table.

Adopted.

### REPORT OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Contingent Expenses submitted the following report :

NEW ORLEANS, LA., January 6, 1868.

To the President and Members of the Constitutional Convention:

GENTLEMEN:—The Committee on Contingent expenses to whom was referred resolution calling for "detailed" statement of the expenses of the Convention, beg leave to submit the following detailed statement of the expenditures, which makes in the aggregate up to December 31st, 1867, the sum of \$53,874 50.

Respectfully submitted,  
HY. BONSEIGNEUR,  
Chairman.

## COMMITTEE ON PRINTING.

NOVEMBER 28th, 1867—To the New Orleans TRIBUNE :	
300 copies roll calls .....	\$25 00
200 " rules and regulations, 13 pages.....	65 00
100 copies bills levee bonds, 1 page .....	8 00
200 copies militia, 1 page.....	8 00
1,000 warrants.....	30 00
100 copies bills of rights, 7 pages.....	56 00
200 copies bills of board of public works, 2 pages.....	16 00
300 copies bills of legislative department, 7 pages.....	84 00
200 copies bills of Committee on Finance, 2 pages.....	16 00
150 copies bills of Committee on Printing, 4 pages.....	32 00
200 copies bills of Committee on Judiciary, 7 pages .....	56 00
200 copies public education, (majority), 3 pages.....	24 00
200 copies public education, (minority), 3 pages.....	24 00
200 copies resolution, Tinchant, 1 page.....	8 00
150 copies extra militia, Pinchback, 1 page.....	8 00
1,000 copies Gen. Prov. majority report, 9 pages.....	72 00
1,000 warrants extra.....	30 00
200 copies Gen. Prov. minority, 5 pages .....	40 00
200 copies Committee on Legislative, 11 pages.....	88 00
150 copies bills (cheap freight railway, 2 pages .....	16 00
200 copies schedule and ordinance, 3 pages.....	24 00
500 copies majority report draft, 39 pages.....	760 00
500 copies minority report draft, 45 pages.....	880 00
	2,370 00

For publication of twenty days  
"Official Journal," 1,792 squares,

at \$1 ..... 1,792 00

Total amount for printing... \$4,162 00

## COMMITTEE ON CONTINGENT EXPENSES.

DECEMBER 4th, 1867—Bought of John W. Madden:	
2 reams 12 lb. legal cap, at \$8, extra heavy white laid .....	\$16 00
1 box paper fasteners .....	3 00
2 books made to order, for proceedings of the Convention, at \$7 50.....	15 00
Cash advanced for 100 three cent postage stamps.....	3 00
	\$37 00
DECEMBER 4th, 1867—Bought of B. Bloomfield & Co.:	
1 minute book.....	\$20 00
12 reams ruled cap paper, at \$10 .....	120 00
12 " letter .....	120 00
8 boxes letter envelopes at \$7 50 .....	60 00
36 dozen lead pencils at \$1 50 .....	54 00
5 dozen official envelopes, at \$15 .....	75 00
25 balls of twine, at 25c .....	6 25
1 Worcester's Dictionary .....	20 00
1 map of New Orleans, (returned) .....	5 00
1 map of the world, (returned) .....	25 00
12 dozen blotting paper at \$1 50 .....	18 00
6 bottles of ink at \$1 .....	6 00
4 reams envelope paper, at \$12 .....	48 00
3,000 note envelopes at \$6 50 .....	19 50
12 reams note paper at \$5 .....	60 00
Printing 250 numbers for desks, and pasting same on desks....	10 00
125 copies Constitution of 1867, at \$1 50 .....	187 50
6 glass paper weights at \$1 50 .....	9 00
2 card racks, at \$1 25 .....	2 50
18 pen racks at 50c .....	9 00
12 tin cutters, at 75c .....	9 00
12 " at 50c .....	6 00
12 paper weights at \$1 .....	12 00
2 " at \$1 50 .....	3 00
12 cups and sponges, at \$1 50 .....	18 00
½ ream red blotting paper at \$15 .....	7 50
6 bottles of pounce at 50c .....	3 00
1 box quill pens .....	1 50
4 water pitchers, at \$1 50 .....	6 00
7 waiters, 2 at \$1, and 5 at 75c .....	5 75
6 brooms at 75c .....	4 50
3 whisk brooms, at 75c .....	2 25
6 tumblers, at 25c .....	1 50
2 feather dusters, at \$4 .....	8 00
13 pieces of rubber, at 25c .....	3 25
1 ruler .....	1 00
7 erasers, at \$1 25 .....	8 75
36 dozen penholders, at \$1 50 .....	54 00
12 boxes pens, at \$1 50 .....	18 00
6 rubber bands, at 25c .....	1 50
4 dozen rubber bands, at 50c .....	2 00
6 folders at 75c .....	4 50

## JOURNAL OF THE CONSTITUTIONAL CONVENTION.

2 arm rests at \$1 50.....	3 00	12 bottles mucilage, @ \$1 25...	15 00
2 thermometers and calendars, at \$4 and \$2 50.....	6 50	30 2-cent postage stamps.....	60
2 calendars, 50c and 75c.....	1 25	30 3-cent postage stamps.....	90
12 bottles of mucilage, at 75c..	9 00	1 note book.....	2 00
6 large inkstands at \$1 .....	6 00	1 order book.....	5 00
90 inkstands, at 50c.....	45 00	10 boxes Gillot's pens, @ \$2 50..	25 00
6 bottles of red ink, at 75c.....	4 50	1 box patent paper fasteners....	2 50
			\$109 50
	\$1,132 00		
Deduction of 2 maps, (returned)	30 00		
	\$1,102 00		
By error of addition on bill.....	1 00		
	\$1,101 00		

DECEMBER 16, 1867—Bought of B. Bloomfield &amp; Co.:

1 ledger, \$4; 1 journal, \$5.....	\$ 9 00
1 index memorandum book.....	2 00
½ ream ruled cap.....	5 00
15 reams ruled cap @ \$10.....	150 00
5 reams note paper @ \$5.....	25 00
12 vials superfine carmine, @ 75 cents.....	9 00
10 packs official envelopes, @ 75 cents.....	7 50
15 packs letter envelopes, @ 25c.	3 75
48 folders, @ 50c.....	24 00
12 erasers—7 @ \$1 25 and 5 @ \$1.....	13 75
12 pair scissors, @ 75 cents.....	9 00
12 dozen lead pencils, (@ \$1 50..	18 00
3 blank books, @ \$2.....	6 00
12 rulers.....	10 50
15 barrels coal, @ \$1 50.....	22 50
2 index memorandum books, @ \$2.....	4 00
1 ledger, \$4; 1 blank book, \$4..	8 00
1 gross boxes matches.....	4 00
1 ream envelope paper.....	12 00
5 reams ruled cap, @ 10.....	50 00
1 box letter envelopes.....	4 00
1 dozen clips.....	10 50
6 newspaper files, @ \$1 50.....	9 00
1 brush and paste.....	75
1 large scrap book, ruled to or- der .....	10 00
1 box metallic paper fasteners...	1 00
1 newspaper file.....	1 50
	\$429 75

DECEMBER 17, 1867—Bought of B. Bloomfield &amp; Co.:

1 ream ruled letter paper.....	\$ 10 00
1 ream ruled cap paper.....	10 00
½ ream legal cap paper.....	5 00
1 dozen lead pencils.....	1 50
1 box pens.....	1 50
5 quires enrolling paper, @ \$4..	20 00
1 dozen pen-holders.....	1 00
200 letter envelopes, @ \$1.....	2 00
200 official envelopes, @ \$3....	6 00
1 dozen blotting paper.....	1 50

12 bottles mucilage, @ \$1 25...	15 00
30 2-cent postage stamps.....	60
30 3-cent postage stamps.....	90
1 note book.....	2 00
1 order book.....	5 00
10 boxes Gillot's pens, @ \$2 50..	25 00
1 box patent paper fasteners....	2 50

\$109 50

DECEMBER 23, 1867—Bought of B. Bloomfield & Co.:  
12 bottles Davis' Writing Fluid... \$ 12 00DECEMBER 30, 1867—To George Hite, locksmith:  
97 desk locks and keys, @ 75  
cents ..... \$ 72 75 |

1 mortise lock and plated nobs.. 12 00

Repairing 15 locks..... 8 50

1 desk lock, No. 52, fitting on.. 2 00

3 locks, @ \$2..... 6 00

Opening 2 locks, @ 50 cents... 1 00

Repairing and furnishing locks  
and keys..... 20 00

\$122 25

## WARRANT CLERK'S REPORT.

WARRANT CLERK'S OFFICE,  
New Orleans, December 27, 1867. }  
To the Chairman and Members of Committee on Contingent Expenses:

GENTLEMEN—I have the honor to transmit to you the following statement, agreeably to your request, in order to enable you to report in compliance to the resolution offered by the Hon. A. Bertonneau, of Orleans, and adopted by the Constitutional Convention:

For *per diem* up to date..... \$34 650 00  
For mileage, about..... 10,000 00  
For officers and employees.... 3,250 00

Total..... \$47,900 00

Respectfully,  
J. L. MONTIEU,  
Warrant Clerk.

## RECAPITULATION.

Total expenses of the Committee on Printing..... \$ 4,162 00  
Total contingent expenses committee ..... 1,812 50 |Total *per diem* of members... 34,650 00Total mileage of members,  
about..... 10,000 00Total amount for officers and  
employees..... 3,250 00

Grand total..... \$53,874 50

Mr. Cooley moved that the report lie over and 100 copies be printed.

Adopted.

Mr. Rodriguez was called to the chair.

SPECIAL COMMITTEES.

The Special Committee, consisting of the President and Messrs. Cooley and Blackburn, submitted the following reports:

To the Constitutional Convention of the State of Louisiana:

The undersigned appointed a special Committee by this honorable body to consider and report upon the ordinance introduced in the Convention yesterday, by the Hon. W. J. Blackburn, in relation to the warrants issued by the Convention for the pay of members and officers, which said ordinance proposes to make such warrants receivable in payment of all taxes; that evaded by this Convention, the different State taxes, municipal and parochial taxes, and the purchase of public lands. And also the substitute offered to said ordinance by the Hon. W. H. Cooley, forcing the Sheriffs and tax collectors throughout the State, to pay in the State Treasury only such funds as were actually received by them in payment of the tax levied by the Convention and requiring the Auditor of Public Accounts to exact evidence from each tax collector or Sheriff, to the effect that the funds or warrants offered to be paid in the treasury by them, were actually received by them in payment of the tax referred to, beg leave to report as follows:

They are of opinion that this Convention has not the power to make the warrants it issues for the pay of members and officers, receivable in payment of any other tax than that levied for the purpose of defraying its expenses.

Practically, this Convention cannot carry out, even the ordinance of the 24th December, 1867, levying the tax of one mill per cent., which it has the unquestionable power to pass, under the reconstruction laws of Congress. The courts of the State would enjoin all process tending to execute that ordinance and the only hope the Convention can entertain, is the well founded one that the General commanding the Fifth Military District will consider as an impediment to reconstruction, which he is bound to remove any Judge of the State who would arrest the progress of the collection of the tax imposed. The undersigned firmly believe the Commander of the Fifth Military District will enforce the collection of the tax levied by the ordinance of the 24th December last. But they are not certain he will do so, if the Convention now adds to said ordinance such conditions as those proposed in the supplementary ordinance of Mr. Blackburn, which conditions, in their opinion, are clear-

ly illegal. They would therefore advise and recommend the rejection of the ordinance offered by the Hon. W. J. Blackburn, and the adoption of the substitute introduced by W. H. Cooley.

J. G. TALIAFERRO,  
W. H. COOLEY.

Minority report:

To the President and Members of the Constitutional Convention:

Having been appointed one of the committee of three to report this morning on the matter of the ordinance which I had the honor to introduce on yesterday, together with the substitute thereto offered by the honorable member from Point Coupee, Mr. Cooley, I respectfully ask leave to report on my own behalf in favor of the ordinance at first introduced, subject to any verbal changes which may be deemed necessary for the friends of the measure.

W. JASPER BLACKBURN.

Mr. Cooley moved to receive the majority report, and to adopt the substitute to the original ordinance proposed by Mr. Blackburn, as recommended by the committee.

The previous question was ordered and the motion of Mr. Cooley prevailed, and the ordinance, reading as follows:

The Sheriffs and tax collectors throughout the State shall pay in the State Treasury in the currency actually received by them, all sums collected by them under the Tax Ordinance, passed by the Convention on the 24th of December, 1867, and in all cases when they offer the warrants issued by authority of this Convention, in payment of taxes collected by them, it shall be the duty of the Auditor of Public Accounts to require from said Sheriffs and tax collectors, evidence that the said warrants were honestly received by them in payment of taxes levied by this Convention. *Provided*, The oath of the Sheriffs and tax collectors shall be received to prove the fact.

Was adopted.

UNFINISHED BUSINESS.

Mr. Lynch moved to adopt article 20, of the majority report, as article 23 of the Constitution, and the article, reading as follows:

ART. 23. The House of Representatives shall choose its Speaker and other officers.

Was adopted.

Mr. Ingraham moved to adopt article 21, of the majority report, as article 24 of the Constitution.

Mr. Waples moved to amend by inserting the words "carrying concealed weapons."

Lost.

The question recurring upon the adoption of the original article, reading as follows:

ART. 24. Electors, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during their attendance on, going to and returning from elections.

It was adopted.

Mr. Ingraham moved to adopt article 22, of the majority report, as article 25 of the Constitution, reading as follows:

ART. 25. At its first session under this Constitution, the General Assembly shall provide by law that the names and residence of all qualified electors shall be registered in order to entitle them to vote; but the registry shall be free of cost to the elector.

And it was adopted.

Mr. Smith moved to reconsider the vote last taken.

Mr. Cooley moved to lay the motion to reconsider on the table.

Mr. R. H. Isabelle raised the point of order that Mr. Cooley's motion to lay on the table the motion to reconsider was made while another member held the floor, and was not in order.

The Chair so ruled.

Mr. Cooley appealed, and the Chair was not sustained.

The Chair put the question upon laying on the table the motion to reconsider, and the motion was laid on the table.

Mr. Underwood moved to adopt article 23, of the majority report, as article 26 of the Constitution.

Mr. Packard moved to amend by adding the words "*Provided*, That no voter, in removing from one to another, shall lose his right to vote in the former, until he has acquired it in the latter." The amendment was adopted.

Mr. Belden moved to adopt the article as amended, and reading as follows:

ART. 26. No person shall be entitled to vote at any election held in this State, except in the parish of his residence and at the election precinct in which he is registered; *Provided*, That no voter in removing from one to another, shall lose his right to vote in the former until he has acquired in the latter.

And it was adopted.

Mr. Ingraham moved to adopt article 24,

of the majority report, as article 27 of the Constitution.

Mr. Crane moved to amend by striking out "four" and inserting "two."

Mr. Hempstead moved to lay the amendment on the table.

Lost.

Mr. Smith called for the previous question on the amendment.

Mr. Underwood, pending action upon the call for the previous question, moved to adjourn.

The Chair proceeded to take the sense of the Convention upon the call for the previous question.

Mr. Cooley raised the point of order that the motion to adjourn had precedence.

The Chair decided that the motion to adjourn being made while the Chair was stating to the Convention the call for the previous question, was not in order.

Mr. Cooley appealed and the Chair was not sustained.

The motion to adjourn was lost.

Mr. Smith moved to adjourn till Thursday at 11 o'clock.

Lost.

Mr. Isabelle called for the previous question upon the amendment.

Which was ordered.

Mr. Waples moved to adjourn.

The Chair ruled the motion out of order.

Mr. Cooley appealed.

The Chair was sustained.

The question was put upon the adoption of the amendment of Mr. Crane.

And it was adopted.

Mr. Cooley moved to adjourn till 1 o'clock Wednesday.

Lost.

The question recurring upon the adoption of the article, as amended, and reading as follows:

ART. 27. The members of the Senate shall be elected for the term of two years, and when assembled the Senate shall have power to choose its own officers.

It was adopted.

On motion the Convention adjourned till Thursday at 11 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

## THIRTY-FOURTH DAY.

NEW ORLEANS, Thursday, Jan. 9, 1863.  
The Convention met pursuant to adjournment.

The President called the Convention together at 11 A. M.

The roll was called and the following numbers answered to their names:

G. Taliaferro, President; Messrs. Antoine, Barret, Belden, Blackburn, Blandin, Seigneur, Brown, Burrel, Butler, Cooley, Crawford, Cromwell, Dearing, Deslondes, Depasseau, P. G. Deslonde, J. Donalde, Donato, Douglass, U. Dupart, Duplessis, Esnard, Ferguson, Gardiner, Guichard, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, Jackson, Kelso, Landers, Leroy, J. B. Lewis, hard Lewis, Ludeling, Lynch, Marie, Snicot, Meadows, McLeran, Morris, Murrel, Myers, Newsham, Oliver, Pard, Pierce, Poindexter, Reagan, Riggs, Roberts, Rodriguez, Schwab,ith, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Twitchell, Underwood, Vandergriff, Vidal, Waples, Wickliffe, Wilson, Wilson—77 members present.

The minutes were read and adopted.

## ORIGINAL RESOLUTIONS.

Mr. Cooley moved that the report of the Committee on Contingent Expenses be de the special order for 12 M., on Saturday next.

Adopted.

Mr. Moses moved that after the twentieth of this month no member of this Convention will be entitled to any *per diem*.

On motion it was laid on the table—ayes 33—as follows:

Antoine, Blackburn, Blandin, Burrel, Butler, Crane, Cromwell, Demarest, Desseau, Donato, Douglass, Duparte G., Dut U., Esnard, Francois, Gair, Gardiner, Harris, Hempstead, Ingraham, Isabelle H., Isabelle Thos., Jackson, Jones, Iso, Landers, Lange, Lewis J. B., Lewis Pard, Meadows, McLeran, Morris, Moses, Murrel, Mushaway, Newsham, Oliver, Reagan, Riggs, Rodriguez, Schwab,ott, Snider, Valfroit, Vidal, Wickliffe, Williams, Wilson—48 ayes.

Nays: Barrett, Belden, Berthonneau, Bongneur, Bonnefoi, Brown, Cooley, Crawford, Deslonde P. G., Duplessis, Fuller, Ferguson, Guichard, Harper, Hiestand, Ludeling, Massicot, McMillen, Myers, Pard, Pinchback, Poindexter, Reese, Ward, Smith, Snaer, Steele, Thibaut, Tin-

chant, Twitchell, Underwood, Vandergriff, Waples—33.

By Mr. E. Tinchant :

WHEREAS, By the late ordinance passed by this Convention on the 7th inst., an additional tax is levied upon the tax payers who will fail to comply within a certain number of days with the provisions of the tax ordinances issued by this Convention; and

WHEREAS, The majority of the people of this city and State seem inclined to refuse the payment of said tax, being under the impression that the Major General commanding this district will not cause the ordinances issued by this Convention to be enforced; and

WHEREAS, This Convention will by all means prevent the tax payers from being overburdened by extra taxation; therefore, be it

*Resolved*, That a committee of five (5) be appointed by the Chair to wait on General Hancock, with the object of inviting him to issue an order endorsing the various tax ordinances adopted by this Convention.

Lies over.

By Mr. R. I. Cromwell:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of this State, excepting those persons who shall have taken an oath to support and defend the government and the Constitution of the so-called Confederate States of America. Every male inhabitant, being twenty-one years of age and a citizen of the United States, and a resident sixty days in the parish in which he offers to vote, and twelve months next preceding an election, shall be deemed an elector. No person disfranchised by this article shall be allowed to vote until after the first of January, 1878, all those persons disqualified from voting or holding any office by the third section of the fourteenth article of the amendment to the Constitution of the United States. But the General Assembly may, by a two thirds-vote of each House, remove such disability.

*Provided*, That such disability shall not be done until after January 1st, 1888.

*Resolved*, That this article shall be an article in the Constitution of the State of Louisiana. Lies over.

Mr. Belden moved to suspend the rules to take up the order of the day.

Adopted.

## UNFINISHED BUSINESS.

Mr. Underwood moved to adopt article 25 of the majority report, as article 28 of the Constitution.

Mr. Crane moved to take up from the table the motion to reconsider article 23.

Mr. Crawford called for the previous question.

Mr. Packard raised the point of order that the motion of Mr. Underwood had precedence, and the motion of Mr. Crane was not in order.

The Chair decided that the previous question on Mr. Crane's motion to reconsider was in order.

The demand for the previous question was seconded by a majority of the delegates.

And the motion to take up from the table the motion to reconsider, was lost.

Mr. Isabelle moved to adopt article 25, of the majority report, as article 28 of the Constitution, reading as follows:

ART. 28. The General Assembly shall divide the State into senatorial districts whenever it apportions representation in the House of Representatives.

And it was adopted.

Mr. Underwood moved to adopt article 26, of the majority report, as article 29 of the Constitution.

Mr. R. H. Isabelle moved to amend by striking out the words "electoral vote," and inserting the words "total population."

Adopted.

And the article, as amended, and reading as follows:

ART. 29. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish be created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the Legislature, but shall not be attached to more than one district. The number of Senators shall be thirty-six, and they shall be apportioned among the senatorial districts according to the total population of said districts.

Was adopted.

Mr. Underwood moved to adopt article 27, of the majority report, as article 30 of the Constitution.

Mr. Lynch moved to insert the words "total population," instead of "electoral vote," which was agreed to.

And the article, reading as follows:

ART. 30. In all apportionments of the Senate, the total population of the

whole State shall be divided by the number thirty-six, and the result produced by division shall be the senatorial ratio entitling a senatorial district to a Senator.

Single or contiguous parishes shall be formed into districts, having a population nearest possible to the number entitled a district to a Senator; and if the apportionment to make a parish or district short of or exceed the ratio, then a district may be formed having not more than Senators, but not otherwise. No new apportionment shall have the effect of abbreviating the term of service of any Senator already elected at the time of making apportionment. After an enumeration has been made as directed in the 21st article the Legislature shall not pass any law an apportionment of representation in both Houses of the General Assembly be made.

Was adopted.

Mr. Antoine moved to reconsider the motion to which article 27 of the Constitution had been adopted.

Mr. Crane moved to lay the motion to consider on the table.

Lost.

The motion to reconsider was adopted.

Mr. Hempstead moved to amend article 27 of the Constitution by striking out the word "two," and inserting the word "four."

The previous question was ordered. Ayes and nays were called and the amendment was adopted by the following vote: ayes 47, nays 34—as follows:

Ayes: Antoine, Baker, Barret, Belo Blackburn, Bonnefoi, Brown, Coo Crawford, Cromwell, Dearing, Demar P. G. Deslonde, Douglass, U. Dupart, Farnard, Ferguson, Gair, Guichard, H. Hempstead, Ingraham, Thos. Isabelle Kelso, Landers, Leroy, J. B. Lewis, Lewis, Ludeling, Lynch, Meadows, Loran, McMillen, Myers, Newsham, Oli Poindexter, Reagan, Reese, Riard, Sam Thibaut, Tinchant, Twitchell, Underwood, Vaudregriff, Waples—47 ayes.

Nays: Berthonneau, Blandin, Bonseigne Burrel, Butler, Crane, Depasseau, G. Duplessis, Francois, Gair, Harry R. H. Isabelle, Jackson, Jones, LaMarie, Martin, Morris, Moses, Murphushaway, Packard, Pierce, Pinchbeck, Pollard, Riggs, Rodriguez, Schwab, Sealfiroit, Wickliffe, Williams, Wilson—nays.

Mr. Underwood moved to reconsider the last vote.

Mr. Oliver moved to lay the motion to consider on the table.  
adopted.

Mr. Bertonneau suggested a verbal correction in article 30 of the Constitution, by substituting the figures 21 for 19, and the change was made by unanimous consent.

Mr. Hempstead moved to adopt article 31 of the majority report, as article 31 of the Constitution, reading as follows:

ART. 31. At the first session of the General Assembly, after this Constitution goes into effect, the Senators shall be divided equally, by lot, into two classes; the seats of Senators of the first class to be vacated at the expiration of the term of the first class of Representatives; of the second class at the expiration of the term of the second House of Representatives; so that half shall be chosen every two years successively. When a district shall have elected two Senators, their respective terms of office shall be determined by lot.

Which was adopted.

Mr. Underwood moved to adopt article 32 of the majority report, as article 32 of the Constitution, reading as follows:

ART. 32. The first election for Senators shall be held at the same time with the election for Representatives; and thereafter shall be elections of Senators at the same time with each general election of Representatives, to fill the places of those Senators whose term of office may have expired.

And it was adopted.

Mr. Underwood moved to adopt article 33 of the majority report, as article 33 of the Constitution, reading as follows:

ART. 33. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members.

Mr. Brown moved to amend by substituting the words "shall have full power" for "shall be authorized."

Amendment adopted.

The article, as amended, and reading as follows:

ART. 33. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full

power to compel the attendance of absent members.

Which was adopted.

Mr. Meadows moved to adopt article 31, of the majority report, as article 34 of the Constitution, reading as follows:

ART. 34. Each House of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law.

Which was adopted.

Mr. Underwood moved to adopt article 32, of the majority report, as article 35 of the Constitution, reading as follows:

ART. 35. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and, with a concurrence of two-thirds, expel a member; but not a second time for the same offense.

Which was adopted.

Mr. Crawford moved to adopt article 33, of the majority report, as article 36 of the Constitution, reading as follows:

ART. 36. Each House of the General Assembly shall keep and publish weekly a journal of its own proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

Which was adopted.

Mr. McMillen moved to adopt article 34, of the majority report, as article 37 of the Constitution, reading as follows:

ART. 37. Each House may punish, by imprisonment, any person not a member, for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

Which was adopted.

Mr. McMillen moved to adopt article 35, of the majority report, as article 38 of the Constitution, reading as follows:

ART. 38. Neither House shall adjourn for more than three days, nor to any other place than that in which it may be sitting, during the sessions of the General Assembly, without the consent of the other.

Which was adopted.

Mr. Bertonneau moved to adopt article 36, of the majority report, as article 39 of the Constitution.

Mr. Cooley moved to amend by substituting "\$4" for "\$8."

Mr. Underwood moved to lay the amendment on the table.

Adopted.

Mr. Crawford moved to amend by substituting "\$6" for "\$8."

Mr. Oliver moved to lay the amendment on the table. Adopted.

The question recurred on the motion to adopt article 36, reading as follows:

ART. 39. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective Houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the General Assembly by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement. And any legislative action had after the expiration of said period of sixty days shall be null and void; but this last provision shall not apply to the first session of the General Assembly that shall convene after the adoption of this Constitution.

And it was adopted.

Mr. Hempstead moved to adopt article 37, of the majority report, as article 40 of the Constitution, reading as follows:

ART. 40. The members of the General Assembly, in all cases except treason, felony and breach of the peace, shall be privileged from arrest during their attendance at the sessions of their respective Houses, and going to or returning from the same; and for any speech or debate in either House shall not be questioned in any other place.

And it was adopted.

On motion of Mr. Hempstead article 38, reading as follows, was adopted:

ART. 41. No Senator or Representative, during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which may have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election by the people.

Mr. McMillen moved to adopt article 40, of the majority report, as article 42 of the Constitution, reading as follows:

ART. 42. No bill shall have the force of law, until, on three several days, it be over in each House of the General Assembly and free discussion allowed thereon; and in case of urgency, four-fifths of the House where the bill is pending, may deem it expedient to dispense with this rule.

Mr. Cooley moved to amend by substituting article 39 of majority report.

Mr. Waples moved to indefinitely postpone the substitute of Mr. Cooley.

Adopted.

The question recurring upon the adoption of article 40, majority report, as article 42 of the Constitution, it was adopted.

Article 41, majority report, reading as follows:

ART. 43. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills; *Provided*, It not introduce any new matter under color of an amendment, which does not relate to raising revenue.

Was, on motion of Mr. Hempstead adopted as article 43 of the Constitution.

Article 42, of the majority report, reading as follows:

ART. 44. The General Assembly regulate by whom and in what manner writs of election shall be issued to fill vacancies which may occur in either branch thereof.

Was, on motion of Mr. Hempstead adopted as article 44 of the Constitution.

Article 43, of the majority report, reading as follows:

ART. 45. The Senate shall vote on confirmation or rejection of the officers to be appointed by the Governor with advice and consent of the Senate, by yeas and nays; and the names of the Senators voting for and against the appointment respectively, shall be entered on the journal to be kept for the purpose, and made public on or before the end of each session.

Was, on motion of Mr. Blandin, adopted as article 45 of the Constitution.

Article 44, of the majority report, reading as follows:

ART. 46. Returns of all elections members of the General Assembly shall be made to the Secretary of State.

Was, on motion of Mr. Blandin, adopted as article 46 of the Constitution.

Article 45 of the majority report, reading as follows:

ART. 47. In the year in which a regular election for a Senator of the United States shall take place, the members of the General Assembly shall meet in the hall of the House of Representatives on the second Monday following the meeting of the Legislature, and proceed to said election.

Was, on motion of Mr. Oliver, adopted as article 47 of the Constitution.

Mr. McMillen moved to reconsider the taking up the articles of the reports *iatim*, and to take up title III as a whole.

Mr. Oliver moved to lay the motion on the table.

Adopted.

Mr. Hempstead moved to adopt article 46, majority report, as article 48 of the Constitution, reading as follows:

ART. 48. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for Representatives shall vote for Governor and Lieutenant Governor at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted to the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then to be held. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for Lieutenant Governor shall be Lieutenant Governor; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

Mr. Crane moved to amend by striking out "four" and inserting "two" in the sixth line.

Mr. McMillen was called to the chair. The ayes and nays were called as follows—aye 36, nays 42:

Ayes: Baker, Barret, Belden, Berthonneau, Blackburn, Brown, Cromwell, Crane, Demarest, Donato, Fuller, Gair, Harris, Hempstead, Lewis J. B., Lewis R., Marie, McLeran, Newsham, Oliver, Poindexter, Reagan, Reese, Riard, Riggs, Snider, Tinchant, Twitchell, Underwood, Vandergriff, Vidal, Waples—32 ayes.

Nays: Antoine, Blandin, Bonseigneur, Bonnefoi, Burrel, Butler, Crawford, Cooley, Depasseau, P. G. Deslonde, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Gardiner, Harper, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Lange, Leroy, Ludeling, Lynch, Martin, Meadows, McMillen, Morris, Moses, Murrel, Muschaway, Packard, Pierce, Pinchback, Pollard, Rodriguez, Smith, Scott, Valfroit, Wickliffe, Williams, Wilson—43.

And the amendment was lost.

The question recurred upon the adoption of article 46 as article 48 of the Constitution, and it was adopted.

Mr. Cooley moved to appoint a special committee of five, to examine and report upon certain matters in reference to the official printing.

The Chair decided the motion to be not in order under the rules.

Mr. Cooley moved to suspend the rules, to allow the motion to be considered.

Lost.

Mr. Hempstead moved to adopt article 59, of the minority report, as article 49 of the Constitution.

Mr. Bonseigneur moved to lay the motion on the table, which was lost.

Mr. Bonseigneur moved to substitute article 47, majority report, for article 59, minority report.

Mr. Underwood moved to lay the substitute on the table.

Adopted.

Mr. Waples moved to strike out "25" and insert "30."

Mr. Pinchback moved to lay the amendment on the table.

Adopted.

Mr. Cooley moved to amend by striking out "25" and inserting "21."

Adopted.

Mr. Pinchback moved to adopt article 59 as amended.

Mr. Barret moved to amend by striking out "is not a citizen of the United States,"

and inserting "has not been a citizen of the United States for five years."

Laid on the table.

Mr. Tinchant moved to reconsider the vote adopting Mr. Cooley's amendment.

Adopted.

Mr. Waples moved to amend by striking out "25" and inserting "35."

Which was laid on the table.

The question recurring on the amendment of Mr. Cooley.

Mr. Isabelle moved to amend by striking out "21" and inserting "28."

Mr. Cooley raised the point of order that the amendment having the effect of a substitute, was not in order.

The Chair ruled the amendment of Mr. Isabelle in order.

Mr. Pinchback moved to lay the amendment on the table.

Adopted.

Mr. Ludeling moved to amend Mr. Cooley's amendment by substituting to strike out all after the word "election."

The amendment was accepted.

The previous question was called for and seconded by a majority of the Convention.

The ayes and nays were ordered.

And the amendment was adopted—ayes 69, nays 11—as follows:

Yea: Antoine, Barret, Belden, Bertonneau, Blandin, Bonseigneur, Burrel, Cooley, Crane, Crawford, Cromwell, P. G. Deslonde, Douglass, Dupart, Francois, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis, Ludeling, Lynch, Marie, Meadows, McLeran, Morris, Mos, Mushaway, Myers, Oliver, Packard, Pier Pinchback, Pollard, Reagan, Reese, Ria Riggs, Rodriguez, Schwab, Smith, Snaider, Thibaut, Twitchell, Underwood, Vandergriff, Vidal, Waples, Wickli Williams, Wilson.

Nay: Baker, Blackburn, Brown, Butler, Donato, Duparte G., Duplessis, Isabelle R. H., Isabelle Thos., Twitchell, Waples—11.

The question recurring upon the adoption of the article as amended, and reading as follows:

ART. 49. No person shall be eligible to the office of Governor or Lieutenant Governor, who is not a citizen of the United

States, and a resident of this State two years next preceding his election.

It was adopted.

The Convention adjourned till to-morrow at 11 A. M.

A true copy:

WM. VIGERS, Secretary,

### THIRTY-FIFTH DAY.

NEW ORLEANS, Friday, Jan. 10, 1868.

The Convention met pursuant to adjournment.

The President called the Convention order at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barret, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brou Burrel, Cooley, Crane, Crawford, Cromwell, Dearing, Demarest, Depasse, Donato, Douglass, G. Duparte, Dupless Esnard, Francois, Fuller, Ferguson, Ga Gould, Guichard, Harper, Harris, Hene stand, Hiestand, Ingraham, R. H. Isabe T. Isabelle, Jones, Kelso, Landers Lange, Leroy, R. Lewis, Ludeling, Lynn Marie, Meadows, McLeran, Morris, Mos, Mushaway, Myers, Oliver, Packard, Pier Pinchback, Pollard, Reagan, Reese, Ria Riggs, Rodriguez, Schwab, Smith, Snaider, Thibaut, Twitchell, Underwood, Vandergriff, Vidal, Waples, Wickli Williams, Wilson.

The minutes were read.

Mr. Waples desired to have his second motion to amend stated correctly, as "instead of 30."

The minutes, as amended, were adopted.

### ORIGINAL RESOLUTIONS.

By Mr. Underwood:

*Resolved*, That, for the purpose of properly enrolling the proceedings of the Convention, the Committee on Enrollment is hereby authorized to employ such clerks as they may need for that purpose.

Lies over.

On motion of Mr. Crawford, the rules were suspended to take up the unfinished business of the preceding day.

Mr. Underwood moved to adopt article 48, of the majority report, as article 50 of the Constitution.

The article, reading as follows:

ART. 50. The Governor shall be ineligible for the succeeding four years after the

siration of the time for which he shall have been elected.

Was adopted.

By Mr. Blandin:

Article 49, majority report, reading as follows:

ART. 51. The Governor shall enter on the discharge of his duties on the second Monday in January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

Which was adopted.

By Mr. Blandin:

Article 50, majority report, reading as follows:

ART. 52. No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of Governor or Lieutenant Governor.

Which was adopted.

By Mr. Hempstead:

Article 51, majority report, reading as follows:

ART. 53. In case of impeachment of the Governor, his removal from office, death, refusal or inability to qualify, or to discharge the powers and duties of his office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted, or the disability be removed. The General Assembly may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, if both the Governor and the Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, for the remainder of the term.

Which was adopted.

By Mr. Poindexter:

Article 52, majority report, reading as follows:

ART. 54. The Lieutenant Governor or other discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

Which was adopted.

By Mr. Underwood:

Article 53, majority report, reading as follows:

ART. 55. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall only vote when the Senate is equally divided. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

Which was adopted.

By Mr. Hempstead:

Article 54, majority report.

Mr. Underwood moved to amend by striking out "eight" and inserting "six."

Mr. Hempstead moved to amend by striking out "eight" and inserting "ten."

Mr. Waples raised the point of order that the last amendment, being a substitute to an amendment, was not in order.

The Chair decided that the amendments should be considered in the order they were proposed.

Mr. Ludeling asked for a division of the question on the proposition to strike out and the proposition to insert.

Mr. Bonseigneur moved to amend by striking out "eight" and inserting "five."

Mr. McMillen moved to amend by substituting as follows: "To be fixed by law, but provided it shall not exceed."

The question was stated by the Chair to be upon the amendment of Mr. Underwood.

Which was lost.

The question recurring upon the amendment of Mr. Hempstead.

It was lost.

The question recurring upon the amendment of Mr. Bonseigneur.

It was lost.

Mr. Barret moved to amend by inserting the words "not to be less than eight thousand," which was laid on the table.

Mr. Cooley moved to amend the amendment of Mr. McMillen by substituting "not less than \$6000, nor more than \$8000."

Mr. Wickliffe moved to lay the amendments on the table.

Adopted.

The question recurring upon the motion to adopt article 54, majority report, reading as follows:

ART. 56. The Governor shall receive a salary of eight thousand dollars per annum, payable quarterly, on his own warrant.

It was adopted.

Mr. Hiestand moved to adopt article 65, minority report.

Laid on the table.

By Mr. Hempstead:

Article 55, majority report, reading as follows:

ART. 57. While acting as President of the Senate, the Lieutenant Governor shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and no more.

Which was adopted.

By Mr. Hempstead:

Article 56, majority report.

Mr. Lynch was called to the chair.

Mr. Smith moved to amend by inserting the words "treason excepted," in the third line, and by striking out all after the word "conviction," in the seventh line.

Mr. Cooley moved to amend by adding the words "in cases when the punishment is not imprisonment at hard labor, the party upon being reprieved by the Governor, shall be released if in actual custody, until final action by the Senate."

Adopted.

Mr. Jones moved to lay the amendment of Mr. Smith on the table.

Adopted.

The question recurring on the motion to adopt article 56, as amended, the article, reading as follows:

ART. 58. The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons, remit fines and forfeitures, after conviction. In cases when the punishment is not imprisonment at hard labor, the party, upon being reprieved by the Governor, shall be released if in actual custody, until final action by the Senate.

Was adopted.

By Mr. Hempstead, article 57 majority report, reading as follows:

ART. 59. He shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States.

Which was adopted.

Mr. Tinchant moved to amend article 73, minority report, by adding "and for that

purpose he shall organize and equally apportion among the several parishes a State police, composed of not less than one thousand (1000) mounted men," and to adopt it as amended.

Mr. Hempstead moved to amend by substituting article 58, majority report.

Mr. Tinchant withdrew his motion.

Article 58, reading as follows:

ART. 60. He shall nominate, and, by and with the consent of the Senate, appoint all officers whose offices are established by the Constitution, and whose appointments are not herein otherwise provided for; *Provided*, however, that the General Assembly shall have a right to prescribe the mode of appointment to all other offices established by law.

Was adopted.

By Mr. Barret:

Article 59, majority report, reading as follows:

ART. 61. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of the next session thereof, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate, shall be appointed to the same office, during the recess of the Senate.

Which was adopted.

By Mr. Blandin:

Article 60, majority report, reading as follows:

ART. 62. He may require information, in writing, from the officers in the Executive Department upon any subject relating to the duties of their respective offices.

Which was adopted.

By Mr. Hempstead:

Article 61, majority report, reading as follows:

ART. 63. He shall, from time to time, give the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

Which was adopted.

By Mr. Hempstead:

Article 62, majority report.

Mr. Reese moved to amend by substituting article 72, minority report.

Mr. Pinchback moved to lay the amendment on the table.

Adopted.

Article 62, reading as follows:

ART. 64. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

Was adopted.

By Mr. Hempstead:

Article 63, majority report.

Mr. Tinchant moved to amend by adding "and for that purpose he shall organize and equally apportion among the several parishes a State police, composed of not less than one thousand (1000) mounted men."

Mr. Lewis moved to lay the amendment on the table.

Adopted.

Article 63, reading as follows:

ART. 65. He shall take care that the laws be faithfully executed.

Was adopted.

By Mr. Hempstead, article 64, majority report.

Mr. R. H. Isabelle moved to amend by striking out the word "majority," and inserting the words "three-fifths" in the line.

Mr. G. M. Wickliffe moved to amend by substituting for articles 64 and 65, majority report, the following:

ART. —. All laws passed by a two-thirds majority of both Houses of the Legislature, shall be valid. The concurrence of the Governor shall not be required to give validity to any law or concurrent resolution passed by the Legislature. But he is hereby authorized and required to sign all laws and concurrent resolutions of the Legislature, and promulgate the same, under penalty of impeachment.

Mr. Berthonneau moved to lay the amendment of Mr. Wickliffe on the table.

Adopted.

Mr. Berthonneau moved to lay the amendment of Mr. Isabelle on the table.

Adopted.

Mr. Cooley moved to amend by striking out the word "majority" and inserting the words "two-thirds."

Adopted.

Ayes 33, nays 29, as follows:

Ayes: Antoine, Barret, Bonnefoi, Brown, Butler, Cooley, Crane, Depasseau, Douglass, G. Duparte, Fuller, Hiestand, R. H. Isabelle, T. Isabelle, Jones, Kelso, Richard Lewis, Ludeling, Lynch, Massicot, Meadows, McLeran, Myers Pinchback, Pollard, Riard, Riggs, Rodriguez, Snider, Twitchell, Vandergriff, Williams, Wilson—33 ayes.

Nays: Belden, Berthonneau, Blandin, Bonseigneur, Crawford, Cromwell, U. Du-part, Duplessis, Esnard, Francois, Gair, Harper, Ingraham, Jackson, Lange, Leroy, Marie, Morris, Moses, Murrel, Mushaway, Poindexter, Reagan, Smith, Snaer, Tinchant, Valfroit, Waples, Wickliffe—29 nays.

Mr. Harper asked to have the following reasons for his vote spread on the minutes:

I vote "No," because I am a friend of liberty, and opposed to this remnant of monarchial government which was retained in the Constitution of the United States, and I wish to abolish this remnant of kingly power in the Constitution of this State.

Mr. Smith moved to adjourn.

Lost.

The question recurring on article 64, as amended, and reading as follows:

ART. 66. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it, if he do not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if, after such reconsideration, two-thirds of all the members present in that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be likewise reconsidered, and if approved by two thirds of the members present in that House, it shall be a law; but in such cases the vote of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return, in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

It was adopted.

Mr. Waples asked that his vote in the negative be recorded on the minutes, which was agreed to.

On motion of Mr. Pinchback, a recess was taken until 7 p. m.

FRIDAY, January 10, 7 p. m.

At the expiration of the recess, the Convention reassembled, and was called to order by the President.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barret, Belden, Blandin, Bonnefoi, Cooley, Crane, Crawford, Cromwell, Demarest, G. Duparte, U. Dupart, Esnard, Francois, Gair, Harper, Harris, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Lange, Leroy, R. Lewis, Ludeling, Meadows, Moses, Murrel, Mushaway, Pinchback, Pollard, Reagan, Riggs, Rodriguez, Scott, Twitchell, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—41 ayes.

There being no quorum the Sergeant-at-Arms was dispatched to summon absent members.

The roll was again called at 7½ p. m., and a quorum found to be present.

Mr. Snider introduced the following resolution:

WHEREAS, The provisional State government of Louisiana is an impediment to reconstruction; therefore, be it

*Resolved*, By the Constitutional Convention of this State, that Congress be and hereby is respectfully requested to empower this Convention to establish temporary civil government for this State in harmony with the law of Congress and for the speedy success of the work of practical reconstruction.

Mr. Lewis moved to suspend the rules to put it on its passage.

Adopted.

Mr. Pinchback moved to lay on the table.

Adopted.

Mr. Waples moved to adopt the majority report, except the title "Education," and that the title "Education," of the minority report, be adopted.

Mr. Blandin moved to lay the motion on the table.

Adopted.

By Mr. Blandin, article 65, majority report, reading as follows:

ART. 67. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take

effect, be approved by him, or, being disapproved, shall be repassed by two thirds of the members present.

Which was adopted.

Mr. Belden gave notice that he will move the reconsideration of the amendments inserting "two thirds" in article 66.

By Mr. Blandin:

Article 66, majority report, reading as follows:

ART. 68. There shall be a Secretary of State, who shall hold his office during the term for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them; he shall, when required, lay the said register, and all papers, minutes and vouchers, relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

Which was adopted.

By. Mr. Blandin:

Article 67, majority report, reading as follows:

ART. 69. There shall be a Treasurer of the State and an Auditor of Public Accounts, who shall hold their respective offices during the term of four years. At the first election under this Constitution, the Treasurer shall be elected for two years.

Which was adopted.

By Mr. Ingraham :

Article 78, minority report reading as follows:

ART. 70. The Secretary of State, Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State; and in case of any vacancy caused by the resignation, death or absence of the Secretary, Treasurer or Auditor, the Governor shall order an election to fill said vacancies; *Provided*, The unexpired term to be filled be more than twelve months; when otherwise, the Governor shall appoint a person to perform the duties of the office thus vacant until the ensuing general election.

Which was adopted.

By Mr. Belden:

Article 69, majority report, reading as follows:

ART. 71. The Treasurer and the Auditor shall receive a salary of five thousand dollars per annum each. The Secretary of

State shall receive a salary of three thousand dollars per annum.

Which was adopted.

By Mr. Brown:

Article 70, majority report, reading as follows:

ART. 72. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, signed by the Governor and countersigned by the Secretary of State.

Which was adopted.

The Convention adjourned till to-morrow, at 11 A. M.

A true copy.

WM. VIGERS, Secretary.

### THIRTY-SIXTH DAY.

NEW ORLEANS, Saturday, Jan. 11, 1868.

The Convention met pursuant to adjournment.

The President called the Convention to order at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barret, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefond, Brown, Burrel, Butler, Crane, Crawford, Cuneyp, Dearing, Demarest, Depasseau, Donato, Douglass, Duparte G., Dupart U., Duplessis, Esnard, Francois, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Isabelle R. H., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis R., Lynch, Marie, Martin, Meadows, McLeran, Morris, Moses, Murrel, Muschaway, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—77 members present.

Prayer by the Rev. Mr. Jos. Fisk.

The minutes were read and adopted.

### ORIGINAL RESOLUTIONS.

By Mr. Marie:

*Resolved*, That it shall be the duty of the General Assembly, at its first session after the adoption of this Constitution, to pass law making it the duty of all parish recorders of the State to record all the births, marriages and deaths, in books kept for that purpose.

The declaration of births shall contain the sex of the child born, the day, hour,

place of birth and names, and residence of the father and mother.

The record of deaths shall contain the name, age and residence of the deceased, and also the place of her or his birth.

The record of marriages shall also contain the names, ages and residences of the parties and of the witnesses to said marriages.

The same law shall provide for the punishment of offenses against its provisions.

Lies over.

### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Contingent Expenses—No report.

Committee on Enrollment—Progress.

### UNFINISHED BUSINESS.

Article 71, majority report, reading as follows:

### TITLE IV—JUDICIARY DEPARTMENT.

ART. 71. The judicial power shall be vested in a Supreme Court, in district courts, in parish courts and in Justices of the Peace.

Being under consideration, Mr. Crane moved to amend by striking out "Justices of the Peace," in the 4th line, and inserting "in such other courts, inferior thereto, as the General Assembly shall ordain and establish."

Pending its consideration, the hour set for the special order of the day having arrived, it being the report of the Committee on Contingent Expenses, Mr. Lynch offered the following resolution:

*Resolved*, That the report of the Committee on Contingent Expenses be referred to a special committee, consisting of Messrs. Waples, Cooley and Berthonneau, with power to send for persons and papers and to report to this Convention as soon as practicable.

Which was adopted.

Mr. Cooley declined to serve on the committee, and on motion of Mr. Ludeling, Mr. Lynch was appointed in his place.

Messrs. Bonseigneur and Blackburn were added to the committee.

The consideration of the unfinished business was resumed, the question being upon the adoption of the amendment of Mr. Crane, which was lost.

Mr. Wickliffe moved to amend by substituting:

ART. 73. The Judiciary power of this State shall be vested in a Supreme bench, district courts, and Justices of the Peace, and for the parish of Orleans there shall also be one Criminal Court, one Probate Court and two Recorders' Courts.

Mr. Waples moved to lay on the table the substitute.

Adopted.

Mr. Waples was called to the chair.

Article 71, majority report, reading as follows:

#### TITLE IV—JUDICIARY DEPARTMENT.

ART. 73. The judicial power shall be vested in a Supreme Court, in district courts, in parish courts and in Justices of the Peace.

Was adopted.

By Mr. Cooley:

Article 72, majority report, reading as follows :

ART. 72. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars; and to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature whatsoever, shall be in contestation, whatever may be the amount thereof; and likewise to all fines, forfeitures, and penalties, imposed by municipal corporations, and in such cases the appeal shall be direct from the court in which the case originated to the Supreme Court; and in criminal cases, on questions of law only, whenever the punishment of death, or imprisonment at hard labor has been inflicted, or when a fine exceeding five hundred dollars is actually imposed.

Mr. Crane moved to amend by striking out "five" and inserting "two."

Lost.

Mr. Berthonneau moved to amend by striking out the words "death or."

Mr. Pinchback moved to lay the amendment on the table.

Adopted.

Mr. Smith moved to amend by striking out "five" and inserting "three."

Mr. Smith's amendment was adopted.

Mr. McMillen was called to the chair.

Mr. Wickliffe moved to amend by substituting:

The Supreme Court shall have appellate jurisdiction, and in questions of law only. In both civil and criminal cases, it shall

have no power to reverse or affirm the judgment of inferior courts.

In civil cases the Supreme Court shall have appellate jurisdiction on questions of law, where the amount involved is one thousand dollars and upwards; and, in criminal cases, where the offense committed is punishable with death or imprisonment at hard labor. But the decisions of the Supreme Court on questions of law, shall govern all inferior courts.

On motion of Mr. Jones the Convention adjourned till Monday at 11 A. M.

A true copy :

WM. VIGERS, Secretary.

#### THIRTY-SEVENTH DAY.

NEW ORLEANS, Monday, Jan. 13, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 10 o'clock A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President ; Messrs. Antoine, Baker, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Cuney, Dearing Jr., Demarest, Depasseau, P. G. Deslonde, Donato Jr., G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Francois, Ferguson, Gair, Gardiner, Harper, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Lynch, Marie, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Smith, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—82 members present.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Blackburn:

WHEREAS, The paramount political object which every patriot of our land should have in view, is the restoration or reconstruction of our Government upon a truly loyal and national basis; upon a basis which will secure liberty and equality before the law to all men, regardless of race, color or previous condition; and

WHEREAS, There is not, and has not been since the year 1861, any civil government in this State, which does not tend to strengthen and justify secession and rebellion, and weaken and discourage the friends

of constitutional liberty and national greatness; therefore, be it

*Resolved*, By the Constitutional Convention of the State of Louisiana, That the present move in the Congress of the United States, having in view the adoption and perfection of some plan or measure by which the civil government of our State shall at once be placed in the hands of those who are striving against great odds for a national restoration upon a basis in accordance with the express will of Congress, is held with joy and gladness, and with prayers for its immediate consummation.

The rules were suspended, and it was adopted.

By Mr. Cromwell:

WHEREAS, An act to provide for the more efficient government of the rebel States, passed March 2, 1867, and the acts supplementary thereto, passed on 23d of March, 1867, declaring that no legal State governments or adequate protection for life or property existed in the rebel states; and

WHEREAS, It is necessary that peace and good order be enforced in the State of Louisiana until a loyal and Republican form of government can be peacefully established, without fear, fraud, influence or restraint; and

WHEREAS, We, the loyal and Union people of Louisiana, in Convention assembled, under the acts of Congress passed on the 2d and 23d of March, 1867, and by authority of a special order No. 166, from headquarters Fifth Military District, New Orleans, Louisiana; and

WHEREAS, We are desirous that our Constitution shall be ratified by the loyal voters, and our State admitted into the Union of States with her proper representation of Senators and Representatives; and

WHEREAS, We fear that the planters, rebel capitalists and politicians who are opposed to reconstruction, will discharge and turn off from their employ all voters they cannot control politically; therefore,

*Be it ordained by the People of the State of Louisiana in Convention Assembled*, That all persons being legally registered and desiring to remain on the plantation in the precinct that they may not be deprived of their vote on the Constitution.

*Be it further ordained*, That no person shall be ejected or excluded from the place, plantation or house in which he lived at the time of his registering as a voter, until after the vote shall have been taken on the ratification of the Constitution. But all such persons may contract with the proprietor or planter for the ensuing year, at any price per day, week or month, and such agreement or contract shall be valid. And

should any person or planter, under color of any law, statute, regulation or ordinance, eject or cause to be ejected from any plantation, house or the lands such person as was on at the time when registered, shall be deemed a misdemeanor, and on the testimony of two witnesses, shall be convicted, and on conviction be punished by a fine not more than \$500, nor less than six months in prison at hard labor, or both. This ordinance to remain in full force until after the vote shall have been taken on the ratification of the Constitution of Louisiana.

Lies over.

By Mr. Cromwell :

Corporations having no Banking Privileges:

SECTION 1. The term corporations used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges; and all corporations shall have the right to sue and shall be liable to be sued, in like manner as natural persons.

SEC. 2. No corporation shall be formed under special acts, except for municipal purposes.

SEC. 3. Each stockholder, in any corporation, shall be liable to the amount of stock held or owned by him.

SEC. 4. Lands may be taken for public way for the purpose of granting to any corporation the franchise of way for public use; in all cases, however, a fair and equitable compensation shall be paid for such lands and the damages arising from the taking of the same; but all corporations being common carriers, enjoying the right of way in pursuance to the provisions of this section, shall be bound to carry and treat all persons alike on equal terms, shall carry the mineral, agricultural and other productions or manufactures on reasonable terms.

*Resolved*, This shall be "Title 8" of the Constitution of Louisiana.

Lies over and 100 copies ordered to be printed.

Mr. Antoine called up the following resolutions lying over from December 27:

WHEREAS, The law of Congress, creating the Bureau of Refugees, Freedmen and Abandoned Lands, provides that said Bureau shall expire on the first day of July, 1868, and

WHEREAS, The freedmen of the non-reconstructed States are yet subject to much gross injustice and persecution at the hands of former rebels and slave-holders, and

WHEREAS, The freedmen, in those States, with but few exceptions, fail to receive jus-

tice either under State laws, in State courts or under the Civil Rights bill in the tribunals designated in that bill, and

WHEREAS, By reason of the failure of the crops, the violation of contracts, the overflow of large sections of country bordering on the Mississippi, great suffering must be endured during the present and coming Winter by large numbers of persons of both races, requiring the action of the Freedmen's Bureau; therefore, be it

*Resolved*, That this Convention unite with the Conventions of Alabama and Virginia in their petitions to Congress for the continuance of the Bureau of Refugees, Freedmen and Abandoned Lands till such time as the work of reconstruction shall have been completed and State governments in full operation as now contemplated by law.

*Resolved*, That this Convention in urging upon Congress the necessity of extending the Bureau, would also respectfully urge the importance of instituting diligent inquiry into the character and competency of its present officers and agents in this State, and the dismissal of such as are found to be incompetent and unfit to be entrusted with the grave and responsible duties devolving upon them, of whom, in the judgment of this Convention, there are many in this State.

*Resolved*, That a copy of this preamble and resolutions be forwarded, by the President of this Convention, to the President of the Senate and the Speaker of the House of Representatives.

Which was adopted.

Mr. Rodriguez was called to the chair.

#### UNFINISHED BUSINESS.

Mr. Waples moved to lay the substitute of Mr. Wickliffe on the table.

Adopted.

Mr. Blackburn moved to reconsider the vote on the adoption of the amendment of Mr. Smith, to article 72, inserting "three" in the place of "five," in the 5th line.

The motion to reconsider prevailed.

The question recurring upon the amendment, it was lost.

Mr. Ludeling moved to amend by striking out all after the word "whatsoever" in the 9th line, to the word "corporation," 13th line inclusive, and inserting the words "or any fine, forfeiture or penalty imposed by a municipal corporation shall be in contestation, whatever may be the amount thereof."

Adopted.

Mr. Waples moved to amend by striking out the words "death or," and inserting after the word "labor" the words "or a greater penalty."

Lost.

Mr. Wickliffe moved to amend by striking out the word "a" and inserting the word "any," and striking out the words "exceeding five hundred dollars."

Mr. Ludeling moved to amend the amendment by inserting "exceeding three hundred dollars."

On motion the Convention adjourned until to-morrow at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

#### THIRTY-EIGHTH DAY.

NEW ORLEANS, Tuesday, Jan. 14, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Beronneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuneys, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, U. Dupart, Duplessis, Esnard, Francois, Ferguson, Gair, Gardiner, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Kelso, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Martin, Meadows, McMillen, Morris, Moses, Murrel, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Snaer, Scott, Snider, Thibaut, Twitchell, Valfroit, Vandegriff, Waples, Wickliffe, Williams, Wilson—68 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Pinchback:

*Resolved*, That the rules governing this Convention be so altered as to have two daily sessions; morning session to commence at 11 o'clock, evening session at 6 o'clock.

Lies over.

#### REPORTS OF STANDING COMMITTEES.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

## SPECIAL COMMITTEES.

The special committee, to which was referred the report of Committee on Contingent Expenses, reported progress.

Mr. Cooley called attention to an error in the Journal of the 9th January, in the yes and nays upon Mr. Crane's amendment, which was ordered to be corrected, by transferring the names of Messrs. Bonnefoi, Cooley, Crawford, Ludeling and Lynch from the affirmative to the negative, and that of Mr. Crane from the negative to the affirmative.

## UNFINISHED BUSINESS.

The amendment of Mr. Ludeling being under consideration.

Was adopted.

Article 72, majority report, as amended, and reading as follows:

**ART. 74.** The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars; and to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature whatsoever, or any fine, forfeiture, or penalty imposed by a municipal corporation shall be in contestation, whatever be the amount thereof; and in such cases the appeal shall be direct from the court in which the case originated to the Supreme Court; and in criminal cases, on questions of law only, whenever the punishment of death, or imprisonment at hard labor, or a fine exceeding three hundred dollars is imposed.

Was adopted.

Mr. Oliver moved to adopt article 73, majority report.

Mr. Crane moved to amend by striking out all from the word "appointed," 11th line, to "they," in the 13th line, and inserting "shall be elected for the term of six years by a plurality of the qualified electors of the whole State, at the same time and places of the elections of members to the General Assembly next preceding the expiration of the term of each of said Judges respectively."

Mr. Meadows moved to lay the amendment on the table.

Adopted.

Ayes 38, nays 32—as follows:

Ayes: Antoine, Baker, Barret, Belden,

Blandin, Cooley, Crawford, Cuney, Dearing, Douglass, Duplessis, Edwards, Fuller, Ferguson, Gair, Hempstead, Ingraham, Kelso, Landers, Leroy, J. B. Lewis, R. Lewis, Ludeling, Meadows, McMillen, Murrell, Myers, Newsham, Packard, Pinchback, Reagan, Reese, Scott, Snider, Steele, Twitchell, Vandergriff, Waples—38.

Nays: Bonnefoi, Brown, Crane, Cromwell, Depasseau, P. G. Deslonde, U. Duport, Esnard, Francois, Gardiner, R. H. Isabelle, Thos. Isabelle, Jackson, Marie, Morris, Martin, Moses, Mushaway, Oliver, Pierce, Poindexter, Pollard, Riard, Riggs, Rodriguez, Snaer, Tinchant, Valfroit, Vidal, Wickliffe, Williams, Wilson—32.

Mr. Tinchant was excused from attendance on the ground of sickness.

By Mr. Blandin, article 73, majority report.

Mr. Hempstead moved to amend by adding:

*Provided*, That the present Supreme Judges shall remain in office until the expiration of their commissions for the term to which they were appointed.

The amendment was adopted.

Mr. McMillen moved to amend by striking out all after "and," in the fourteenth line, to the word "appointment," and inserting "licensed to practice law in this State."

Mr. Cooley moved to amend the amendment by adding:

*Provided*, That after the termination of the term of the first Judges of the Supreme Court to be appointed under this article, a qualification of ten years practice at the bar of this State, shall be required for Judges of the Supreme Court.

Mr. Jones moved to lay the amendment of Mr. Cooley on the table.

Mr. Ingraham asked that the question be divided and the question be taken upon the amendments of Mr. Cooley and Mr. McMillen separately.

The Chair ruled that the question was not susceptible of division.

The motion to lay on the table was adopted.

Mr. Pinchback moved to amend by striking out the words "in this State," in the fifteenth line.

Mr. McMillen moved to amend by inserting the words "the last three years thereof, next preceding his appointment in this State."

Mr. Cooley moved to amend by inserting the words "before the Supreme Court."

Which was ruled not in order.

The amendment of Mr. McMillen was adopted.

Ayes 42, nays 22—as follows :

Ayes : Baker, Bertonneau, Blackburn, Brown, Cromwell, Cuney, Dearing, Demarest, P. G. Deslonde, Douglass, G. Dupart, U. Dupart, Francois, Gardiner, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Lange, J. B. Lewis, Ludding, Marie, Meadows, McLeran, McMillen, Moses, Murrel, Newsham, Packard, Pierce, Pinchback, Pollard, Reese, Riggs, Rodriguez, Schwab, Snider, Thibaut, Valfroit, Williams, Wilson—42 ayes.

Nays : Barret, Bonnefoi, Burrel, Cooley, Crane, Crawford, Depasseau, Duplessis, Gair, Harper, Hiestand, Ingraham, Leroy, R. Lewis, Morris, Mushaway, Myers, Reagan, Riard, Scott, Waples, Tinchant—22 nays.

The article, as amended, and reading as follows :

ART. 75. The Supreme Court shall be composed of one Chief Justice and four associate justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of seven thousand five hundred dollars, and each of the associate justices a salary of seven thousand dollars annually, payable quarterly, on their own warrants. The Chief Justice and the associate justices shall be appointed by the Governor, with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practiced law for the space of five years, the last three thereof next preceding their appointment, in the State. The Court shall appoint its own clerks; they may remove them at pleasure; *Provided*, That the present Supreme Judges shall remain in office until the expiration of their commissions for the term to which they were appointed.

Was adopted.

On motion, the Convention adjourned until to-morrow at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

### THIRTY-NINTH DAY.

NEW ORLEANS, Wednesday, Jan. 15, 1863.

The Convention met pursuant to adjournment and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Bertonneau, Blardin, Bouseigneur, Bonnefoi, Brown, Burre Cooley, Crawford, Cromwell, Cuney, Dead ing, Demarest, Depasseau Deslonde F G., Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Francois, Fuller, Gair, Gardiner, Guichard Harper, Harris, Hempstead, Ingraham Isabelle Thos., Jones, Landers, Ludeling Lange, Leroy, J. B. Lewis, R. Lewis, Lynch Marie, Massicot, Meadows, McLeran McMillen, Morris, Moses, Murrel, Mushe way, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese Riard, Riggs, Roberts, Rodriguez, Schwal Snaer, Scott, Snider, Steele, Thibau Tinchant, Twitchell, Underwood, Valfroit Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—81 members present.

Prayer by the Rev. Jos. Fisk.

The minites were read and adopted.

Mr. Tinchant asked to have his vote recorded on the adoption of article 75 of the Constitution. No objection. Mr. Tinchant voted no.

### ORIGINAL RESOLUTIONS.

By Mr. Valfroit:

*Resolved*, That the General Assembly at its first session, shall have the power to make or pass such laws that shall establish at least six public schools in every parish of the State for all children between the age of six and twenty-one years, without distinction of race, color or previous condition.

Lies over.

By Mr. E. Tinchant:

WHEREAS, A large majority of the loyal voters of the State of Louisiana, owing to circumstances independent of their own will, have been educated in the French language, are unable to read and understand the national language as fully as they do French; and

WHEREAS, This Convention of the loyal people of Louisiana is duty bound to do justice to all its constituents without distinction or discrimination; therefore, be it

*Resolved*, That the sum of one thousand dollars is hereby appropriated to provide for the printing of a certain number of copies of the official journal in the French language.

*Resolved further*, That the Committee on Printing be and is hereby instructed to report how many copies of said journal could be printed for the aforesaid amount.

Mr. Tinchant moved to suspend the rules

put the resolution upon its passage.

Adopted.

Mr. Rodriguez moved to lay the resolution on the table.

Adopted.

A communication from R. H. McMillan is read.

By Mr. McMillen:

*Resolved*, That a committee of three be appointed to report to this Convention what further action, if any, is necessary to secure a speedy collection of the tax authorized by the ordinance passed December 14, 1867, and that said committee be empowered to interfere with the officers charged with the execution of the ordinance, and with Major General Hancock, commanding Fifth Military Division.

Mr. McMillen moved to suspend the rules to place the resolution upon its passage.

Adopted.

The resolution was read a second time and adopted.

Mr. Meadows moved that the Convention hereby take some steps to compel the members to attend the Convention more regularly.

Laid on the table.

#### REPORT OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

#### SPECIAL COMMITTEES.

The special committee to whom was referred the report of the Committee on contingent expenses, through Mr. Waples, chairman, reported progress.

#### ORDER OF THE DAY.

Mr. Underwood called up his resolution, lying over from January 10, and moved to adopt, and the resolution, reading as follows:

*Resolved*, That for the purpose of properly recording the proceedings of this Convention, the Committee on Enrollment is hereby authorized to employ such clerks as they may need for that purpose.

Was adopted.

Ayes 43, nays 38:

Ayes: Antoine, Belden, Brown, Burrel, Cooley, Cromwell, Dearing, Demarest, Donato, G. Duparte, Duplessis, Francois, Fair, Gardiner, Harper, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Jones,

Landers, Lange, J. B. Lewis, R. Lewis, Marie, Martin, Massicot, McLeran, McMillen, Morris, Oliver, Packard, Reagan, Schwab, Snaer, Scott, Snider, Thibaut, Underwood, Vidal, Wickliffe, Wilson—43 ayes.

Nays: Baker, Barret, Bertonneau, Blandin, Bonnefoi, Crane, Crawford, Cuney, Depasseau, P. G. Deslonde, Douglass, U. Dupart, Edward, Esnard, Fuller, Guichard, Kelso, Leroy, Ludeling, Lynch, Meadows, Moses, Murrel, Mushaway, Myers, Pierce, Pinchback, Poindexter, Pollard, Reese, Riard, Riggs, Roberts, Rodriguez, Twitchell, Valfroit, Waples, Williams—38 nays.

#### UNFINISHED BUSINESS.

Mr. Ingraham moved to reconsider the vote upon the adoption of the amendment of Mr. McMillen, to article 75 of the Constitution.

Mr. McMillen raised the point of order that a motion to reconsider a portion of an article which has been adopted as a whole cannot be entertained.

The Chair so ruled.

Mr. Ingraham moved to reconsider the vote on the adoption of the article.

Mr. Hempstead moved to lay the motion to reconsider on the table.

Lost.

Mr. Bertonneau moved the previous question, and was seconded by a majority of the delegates.

The ayes and nays were ordered, and the motion to reconsider prevailed.

Ayes 63, nays 12—as follows:

Ayes: Antoine, Barret, Belden, Bertonneau, Blandin, Bonseigneur, Burrel, Cooley, Crane, Crawford, Cromwell, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Francois, Fuller, Gair, Gardiner, Guichard, Harper, Harris, Hiestand, T. H. Isabelle, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Ludeling, Lynch, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Snaer, Scott, Thibaut, Tinchant, Twitchell, Valfroit, Wickliffe, Williams, Wilson—63 ayes.

Nays: Bonnefoi, Brown, Cuney, Demarest, Edward, Hempstead, R. H. Isabelle, J. B. Lewis, Martin, Snider, Waples, 12 nays.

Mr. Bertonneau moved to amend by striking out “the present Supreme Judges shall remain in office until the expired term of

their respective commission," and moved the previous question, which was seconded by a majority of the delegates. The motion to amend prevailed.

Mr. Pinchback moved to adopt article 73 as amended, and the article, reading as follows:

ART. 75. The Supreme Court shall be composed of one Chief Justice and four associate justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of seven thousand five hundred dollars, and each of the associate justices a salary of seven thousand dollars, annually, payable quarterly on their own warrants. The Chief Justice and the associate justices shall be appointed by the Governor, with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practised law five years, the last three years thereof before their appointment in this State. The court shall appoint its own clerks; they may remove them at pleasure.

Was adopted.

Mr. Pinchback was called to the chair.

The President announced the appointment of the special committee to confer with General Hancock upon the Tax Ordinance, as follows:

Messrs. W. L. McMillen, J. H. Ingraham, M. Vidal.

On motion of Mr. Cromwell, the convention took a recess until 2 o'clock p. m., to allow the committee just appointed time to execute its mission and report to the Convention to-day

WEDNESDAY, Jan. 15, 2 p. m.

At the expiration of the recess, the convention reassembled.

The roll was called and a quorum found to be present.

Mr. Pinchback in the Chair.

By Mr. Underwood, article 74 majority report.

Mr. Crane moved to amend by striking out "May" and inserting "June."

Mr. Gair moved to lay the amendment on the table.

Adopted.

Article 74, majority report, reading as follows:

ART. 76. The Supreme Court shall hold its sessions in the city of New Orleans

from the first Monday in the month of November to the end of the month of May. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the session shall be held as heretofore.

Was adopted.

The rules were suspended to receive the report of the Special Committee, and the committee, through Mr. McMillen, its Chairman, submitted the following report To the President and Members of the Constitutional Convention :

Your committee appointed to report what further action, if any, is necessary to secure the speedy collection of the tax levied under the ordinance passed December 24, 1867, and to confer with the officers authorized to collect the same and with the Major General commanding the Fifth Military District, beg leave to submit the following preliminary report:

In compliance with the resolution adopted this day, your committee called at the offices of the Auditor and Treasurer of State but failed to find either of those officials in their office; from their clerks, they learned that the tax collectors of this city had reported that but a small amount, some \$26 had been collected, but as no reports from the collectors were on file in the Auditor's office, the reason alleged by the collector for their failure to collect the tax, could not be ascertained to-day.

Your committee next visited Major General Hancock, and were informed by him that the failure to collect the special tax had been officially presented to him by the Auditor of the State day before yesterday that he had the subject under consideration and would present his views in writing without unnecessary delay, and recommended that no further action be taken until his reply to the Auditor of the State be made which your committee were informed would cover the whole subject under consideration.

In compliance with this suggestion of General Hancock, we respectfully recommend the Convention to allow the matter to remain in *statu quo* a reasonable time, in order to give the General commanding opportunity to act.

Your committee herein desire to state that the General declined to inform them verbally what that action would be, but said expressly that he would communicate with them in writing.

[Signed]                    W. L. McMILLEN,  
                                  J. H. INGRAHAM,  
                                  M. VIDAL.

Which was received.

Mr. Tinchant moved to discharge the committee.

By Mr. Blandin, article 75, majority report, reading as follows :

ART. 77. The Supreme Court, and each of the judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody, in all cases when they may have appellate jurisdiction.

Which was adopted.

By Mr. Blandin, article 76, majority report, reading as follows :

ART. 78. No judgment shall be rendered by the Supreme Court, without the concurrence of a majority composing the court; whenever the majority cannot concur, in consequence of the recusation of any member of the court, the Judges not recused shall have power to call upon any Judge or Judges of the district courts, whose duty it will be, when so called upon, to preside in the place of the Judge or Judges recused, to aid in determining the case.

Which was adopted.

By Mr. Gair: Article 77, majority report, reading as follows:

ART. 79. All Judges, by virtue of their office, shall be conservators of the peace, throughout the State. The style of all process shall be "The State of Louisiana." Prosecutions shall be carried on in the name and by the authority of "The State of Louisiana," and conclude "Against the peace and dignity of the same."

Which was adopted.

By Mr. Blandin : Article 78, majority report, reading as follows:

ART. 80. The Judges of all courts, whenever practicable, shall refer to the law, in case of which every definitive judgment rendered; but in all cases they shall state the reasons on which their judgment is founded.

Which was adopted.

By Mr. Bertonneau: Article 79, majority report, reading as follows:

ART. 79. The Judges of all courts shall be liable to impeachment for high crimes and misdemeanors. For any reasonable cause Governor shall remove any of them, on address of two-thirds of the members elected to each House of the General Assembly. In every such case the cause or causes, for which such removal may be re-

quired, shall be stated at length in the address, and inserted in the journal of each House.

Mr. Waples moved to amend by striking out the word "high."

Agreed to.

Mr. Reagan moved to amend by adding "the Judges of all courts shall be liable to arrest and punishment for crime and misdemeanors."

Mr. Bertonneau moved to lay the amendment on the table.

Adopted.

The article, as amended, and reading as follows:

ART. 81. The Judges of all courts shall be liable to impeachment for crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them, on the address of two-thirds of the members elected to each House of the General Assembly. In every such case the cause or causes, for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

Was adopted.

By Mr. Blandin:

Article 80, majority report, reading as follows :

ART. 82. No duties or functions shall ever be attached, by law, to the Supreme or district courts or the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duties performed by them.

Which was adopted.

Mr. Packard moved to amend article 81, majority report, by striking out the last three lines in the article, and inserting "the clerks of inferior courts shall be elected by the qualified electors of their respective districts, and shall hold their offices for the term of four years."

And to adopt as amended.

Pending the discussion of the amendment, Mr. Waples having the floor, yielded it to Mr. Ludeling for a motion to adjourn, with the consent of the Convention that he should be entitled to the floor upon the resumption of the unfinished business of the day.

And on motion of Mr. Ludeling, the Con-

vention adjourned until to-morrow at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

#### FORTIETH DAY.

NEW ORLEANS, Thursday, Jan. 16, 1868.

The Convention met pursuant to adjournment, and was called to order by the President.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barrett, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, T. Isabelle, Jones, Kelso, Lange, Leroy, J. B. Lewis, R. Lewis, Lynch, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Snaer, Scott, Snider, Thibaut, Tinchant, Underwood, Valfroit, Vandergriff, Vidal, Waples, Williams, Wilson — 77 members present.

Prayer by Rev. Jos. Fisk.

The minutes were read and amended by the mention of a motion by Mr. Tinchant, and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Marie:

WHEREAS, A great number of aged and infirm persons of both races are completely destitute of means of support; therefore, be it

*Resolved*, That the General Assembly at its first session after the adoption of this Constitution, shall, by law, provide for the establishment, in each senatorial district of the State, of a place wherein shall be admitted and entertained all such aged and infirm persons, without distinction of race, color or previous condition.

Lies over.

By Mr. Valfroit:

WHEREAS, There is a great suffering among one part of the people of our State, almost alarming; therefore, be it

*Resolved*, That the General Assembly, at its first session, shall have the power to make such laws providing a homestead for their relief. They shall establish at least one in every parish in the State, for the

term of four years, without distinction of race, color or previous condition.

Lies over.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Printing—No report.  
The Committee on Contingent Expenses  
No report.

The Committee on Enrollment—Progress.

#### SPECIAL COMMITTEE'S REPORT.

The special committee, through its chairman, Mr. Waples, reported progress.

Mr. Pinchback called up his resolution lying over from January 15th, and moved to adopt.

*Resolved*, That the rules governing the Convention be so altered as to have sessions daily, morning session, to commence at 11 o'clock, and evening session 6 o'clock.

Mr. Cooley moved to lay on the table.

Mr. Pinchback called for the ayes and nays, which were ordered.

The motion to table was lost—ayes 55—nays 48—as follows :

Ayes : Cooley, Crane, Cromwell, Deing, Demarest, Depasseau, Donato, Fward, Francois, Gardiner, Harris, Ing ham, Landers, Martin, Morris, Murr Myers, Newsham, Pierce, Poindext Riard, Riggs, Roberts, Schwab, Sna Scott, Steele, Vandergriff—28.

Nays : Antoine, Baker, Barrett, Bertneau, Blandin, Bonseigneur, Bonne Brown, Burrel, Crawford, Cuney, Dlonde P. G., Duparte G., Dupart U., I plessis, Esnard, Gair, Guichard, Harp Hiestand, Isabelle R. H., Isabelle Th Kelso, Lange, Leroy, Lewis J. B., Le R., Ludeling, Lynch, Massicot, Meadow McLeran, Moses, Oliver, Packard, Pin back, Pollard, Reagan, Reese, Rodriguez Snider, Thibaut, Tinchant, Valfroit, Vples, Wickliffe, Williams, Wilson—48.

The resolution was put to a vote, and declared to be adopted.

#### UNFINISHED BUSINESS.

The amendment of Mr. Packard to article 81, majority report, being in order

Mr. Brown moved to amend by substituting article 91, minority report.

Mr. Crane raised the point of order that the amendment was not in order.

The Chair so ruled.

Mr. Brown appealed.

The Chair was not sustained.

The previous question was ordered.

Mr. Cooley called for a division of the question.

The amendment was adopted—ayes 49, nays 20—as follows:

Yea: Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Dene, P. G. Deslonde, Donato, G. Duarte, U. Dupart, Duplessis, Esnard, Francoise, Gardiner, Guichard, Harper, Ingraham, R. H. Isabelle, Jones, Kelso, Lange, Leroy, Richard Lewis, Steele, Martin, Meadows, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Schwab, Ott, Thibaut, Underwood, Valfroit, Waples, Wickliffe, Williams—49 ayes.

Nays: Antoine, Baker, Barrett, Crawford, Demarest, Ferguson, Gair, Thomas Landers, Ludeling, McLeran, McMillen, Pinchback, Reese, Snider, Steele, Tinchant, Twitchell, Vandergriff, Waples—20 nays.

Mr. Cooley moved to reconsider the vote taken.

Mr. Beans, of the Mississippi Constitutional Convention, was introduced and invited to a seat on the platform.

Mr. Belden was called to the chair.

Mr. Rodriguez moved to lay the motion reconsider on the table.

Lost.

Ayes 13, nays 64, as follows:

Yea: Brown, P. G. Deslonde, G. Duarte, Francois, Harper, R. H. Isabelle, Lange, Murrel, Pierce, Riggs, Roberts, Rodriguez, Williams—13 ayes.

Nays: Antoine, Baker, Barrett, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Burrel, Cooley, Crane, Crawford, Cune, Demarest, Donato, U. Dupart, Duassis, Edward, Esnard, Fuller, Ferguson, Gair, Gardiner, Guichard, Harris, Hempstead, Hiestand, Ingraham, Thomas Landers, Kelso, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, Marie, Massicot, Meadows, McLeran, McMillen, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pinchback, Poindexter, Pollard, Reagan, Riard, Schwab, Snaer, Scott, Steele, Tinchant, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Wilson—nays.

The motion to reconsider prevailed.

Mr. Wickliffe moved to amend article 91, majority report, by substituting:

The clerks of district courts shall be elected by the registered electors of their respective districts; they shall receive such

salary as may be fixed by law, and shall hold their offices for four years.

Which the Chair decided not in order.

Mr. McMillen moved to indefinitely postpone article 91.

Lost.

Mr. Cooley having the floor, yielded it to Mr. Crane for a motion to adjourn, with the consent of the House that he should resume it in the morning.

Mr. Crane moved to adjourn till to-morrow, at 11 o'clock.

Mr. Pinchback raised the point of order that under the rule adopted this morning, the motion was not in order.

The Chair so ruled.

Mr. McMillen appealed.

The Chair was not sustained.

And the Convention adjourned until to-morrow at 11 o'clock A. M.

A true copy:

WM. VIGERS, Secretary,

#### FORTY-FIRST DAY.

NEW ORLEANS, Friday, Jan. 17, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Barrett, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cune, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Landers, Lange, J. B. Lewis, Richard Lewis, Lynch, Martin, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrel, Mushaway, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams—83 members present.

The minutes were read and adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Executive—No report.

Committee on Enrollment—No report.

## SPECIAL COMMITTEE.

Mr. Waples, chairman Special Committee, submitted the following report:

We the undersigned, appointed to examine the report of the Committee on Contingent Expenses, respectfully submit the following report:

The bills for stationery are, upon an average of the prices charged, more than fifty per cent. above the usual retail prices. Many of the items are charged nearly one hundred per cent. above the usual rates. Paper, both blue-ruled cap, and legal cap, can be bought at six dollars per ream; but the price charged in the bill of J. W. Madden, is eight, and that in the bills of B. Bloomfield & Co. is ten dollars per ream. For a copy of Worcester's Dictionary, unabridged, twenty dollars is charged by the firm above mentioned, while the price in their store is twelve dollars, and in some other bookstores, it is eleven dollars per copy. These facts have been ascertained of several stationers, obliging your committee to report that the bills of B. Bloomfield & Co. are not according to the usual retail prices, the testimony of Mr. Bloomfield to the contrary notwithstanding.

We call attention to the fact that \$1 50 per copy, for 125 copies of the Constitution of 1864, printed in pamphlet in 1866, have been charged against the Convention, by Bloomfield & Co., while Mr. Bloomfield, in his own testimony, proves that it could have been printed to order, in the same style, for very much less; that while \$187 50 are charged for it, it could have been printed to order for \$112. It would be too tedious to enumerate all the over-charges. We report generally, on the subject of stationery,

1st. That the charges are at least fifty per cent. over the usual retail rates;

2d. That most of the articles are altogether unnecessary;

3d. That none of the stationery furnished has ever been ordered by the Convention;

4th. That it is not certain whether all the goods have ever been received by the Convention:

In this connection we call attention to the testimony of the Sergeant-at-Arms, and B. Bloomfield.

The charge of \$122 25 for furnishing and fixing locks is reported back without comment, as we have not been able to ascertain what number of locks have been fixed or furnished.

The bill for printing should be reduced \$434, according to the testimony of J. B. Roudanez, owing to the fact that the pages are not so wide as required by the Conven-

tion. Whether a further reduction should be made, on the ground that the pages are not so long as required, depends upon the meaning of the Convention, in fixing the rates. If the Convention meant 95 ems long, when saying 95 lines, the pages are of the required length; but if the meaning was 95 printed lines, (not counting the leaded lines), and 36 ems wide, there should be a further deduction of \$606, according to the measurement and calculation of the Committee on Printing, signed by the chairman, and furnished to us by their Secretary. If, however, the Convention meant to require 95 printed lines per page, the deduction suggested by the Committee on Printing is not enough by nearly 33 per cent. We respectfully refer the statement of the Printing Committee and to the testimony of Messrs. Hinton, Walker, Laizer and Stephens upon the point.

Your committee recommend the adoption of the following resolutions:

*Resolved*, That the bill of J. W. Madden and those of B. Bloomfield & Co. have never been ordered by the Convention, and ought not to be allowed; and, in consideration of the extortionate charges made, particularly in the bills of B. Bloomfield & Co., the Convention will not pay for so much of the articles as have been used, unless a deduction of fifty per cent. shall be agreed upon.

*Resolved*, That the deduction of \$434 be made from the bill for printing; and that no further action be taken upon the said bill until the Convention shall have decided whether the phrase, "95 lines in length," to be understood as 95 ems or 95 printed lines.

*Resolved*, That the extravagant expense of the Convention contribute greatly towards the unpopularity of the tax fixed to meet its necessary expenses, and render its collection more difficult than it would otherwise have been.

RUFUS WAPLES, Chairman;  
HENRY BONSEIGNEUR,  
JOHN LYNCH,  
ARNOLD BERTONNEAU.

NEW ORLEANS, January 14, 1868.  
FIRST DAY—INVESTIGATION OF THE COMMITTEE ON CONTINGENT EXPENSES.

The committee appointed to examine the report of the Committee on Contingent Expenses, and to send for persons and papers, met at the room of the Committee on Contingent Expenses, at 9 o'clock, January 14, 1868.

Present: R. Waples, chairman, and A. Berthonneau, Hy. Bonseigneur, John Lynch, W. Jasper Blackburn.

J. B. Roudanez, called:

There is no rule fixed regulating the price of roll-call, \$25 considered reasonable.

Rules and regulations charged according to the rate fixed by the Convention, \$5 per page. The price of \$30 is considered reasonable for 1000 warrants printed. All the other items are in accordance with the rate fixed by the Convention, with the exception that the pages are not so wide, owing to the fact that the forms were set up before the rates were adopted, but I am willing to deduct the difference, which will be 240 ems for every 3 pages, making 54 pages, and 1980 ems to be deducted from so much of the bill as is charged according to the foolscap pages. This would make a deduction of 80 ems per page as printed, although the bill does not show this, yet I had intended to make the deduction upon settlement, which will be a deduction on the bill of \$434. Wherever I have spoken of charges made by myself I mean my firm, J. B. Roudanez & Co.

J. B. ROUDANEZ.

Mr. B. Bloomfield, called:

The items charged according to the regular retailed prices, Worcester Dictionary, unabridged, \$20, according to usual retail price. Some of the orders were sent by the Secretary, Sergeant-at-Arms and Contingent Expenses Committee. All according to retail prices. Our price for printing lawyers' briefs is \$1.50 per page, and usually furnish 25 copies, which will take a brief, 25 copies, 20 pages each, one to \$30. Being shown a copy of the constitution of 1864, says: that a lawyers' brief printed in that kind of type and that quantity per page, would be worth about 2 per page, and it being 41 pages, 25 copies would come to about \$82. \$20 could be sufficient for an additional print of 100 copies, making \$102. Upon further consideration I think it is worth \$10 more, making \$112. Most of the bill of December 4, 1867, I furnished myself, without order. 5000 official envelopes should be charged in place of 5 dozen as reported on all, 6th item, of December 4.

B. BLOOMFIELD.

NEW ORLEANS, January 15, 1868.

SECOND DAY—INVESTIGATION OF THE COMMITTEE ON CONTINGENT EXPENSES.

Mr. Berhel called:

I am Sergeant-at-Arms of the Convention. I can say positively that I did not get the goods named in the bill of J. W. Adden, December 4, 1867. But I do not know whether the committee received them

or not. Part of articles enumerated in the first bill of Bloomfield, dated December 4, 1867, were received and came into my possession, but I cannot state as to all. The articles delivered were received before the 4th December, so far as they were received at all, but I do not know whether they were received or not. As to the other's bills, I cannot state whether all the articles were received or not, as some were delivered to the different committees.

I will furnish a statement from my accounts of all further facts bearing on the subject, so far as I can ascertain.

L. BERHEL, Sergeant-at-Arms.

NEW ORLEANS, January 16, 1868.

THIRD DAY—INVESTIGATION OF THE CONTINGENT EXPENSES COMMITTEE.

Mr. I. T. Hinton called:

I am a practical printer. Being shown the majority report of the Committee on Draft, he says: that the pages are too narrow by 14 ems, according to the rate fixed by the Convention as now shown to me. The pages measured 100 ems in length. I should understand that the resolution meant 95 printed lines per page. As far as my experience goes, printing of this kind is always leaded. Each one of these pages is a page whether leaded or solid.

I. T. HINTON.

Mr. John S. Walker:

I corroborate the above statement, and always have seen bills printed in the style of which I have been shown a copy. 95 lines: bourgeois could be put upon a page of the size of the report on the Committee on Draft if set solid; but it is never usual to set them solid when printing legislative bills or similar documents. The report of the Committee on Draft is printed in long primer type. It would take about twice the width of a page to make 36 ems in long primer. I allude to the pages of the majority Committee on Draft. The type, the width of the page and the length of the page are in the usual style of legislative bills. I allude to the report as above.

JNO. S. WALKER.

We concur in the statement of Mr. Walker.

J. C. LAIZER,  
J. E. STEPHENS.

In accordance with the request of several members of the Convention, your Committee on Printing have the honor to report the following as correct amounts to

be allowed the Official Printer for printing done for account of this Convention:

300 copies roll-calls.....	\$ 25
200 copies rules and regulations..	65
100 copies bill on levee bonds....	8
200 copies bill on militia.....	8
1000 warrants.....	30
100 copies bill of rights, majority..	24
100 copies minority “ .....	8
200 copies public works.....	8
200 copies report of Committee on Finance.....	8
150 copies report of Committee on Printing.....	16
200 copies report of Committee on Judiciary.....	32
200 copies report of majority Committee on Education.....	16
200 copies report of minority Committee on Education.....	16
200 copies Tinchant's resolution...	8
150 copies Pinchback ex. militia..	8
200 copies majority report on general provisions.....	8
200 copies minority report on general provisions.....	8
1000 copies ex. warrants.....	32
200 copies report of Committee on Legislature.....	16
150 copies Jones' resolution on railroads .....	48
200 copies of report on schedule and ordinances.....	8
500 copies of majority report on draft of Constitution.....	16
500 copies of minority report on draft of Constitution.....	400
200 copies Committee on Executive For publication of 20 days official printing.....	460
	1,792

Making a sum total of..... \$3,122

The above amounts are based on the rates and measures fixed by the ordinance relative to printing, passed by this Convention, December 17, 1867.

W. JASPER BLACKBURN,

Chairman Committee on Printing.

I certify that this is a correct copy of the prices agreed on by the Committee on Printing.

GEO. W. MADER.

Clerk of Committee.

I have the following on hand:

7½ Reams Congress Cap.
2 Reams Letter,
1 Ream Legal.
4 Boxes Large Envelopes,
5 Boxes Letter Envelopes,
9 Bottles of Ink.
6 Check Cutters,
7 Scrapers,

2 Newspaper Files,
5 Scissors,
15 Balls of Twine,
1 Paper Weight,
1 Gross Penholders,
5 Boxes Pens,
1 Ream Envelope Paper,
1½ Enrolling Paper,
5 Bottles Carmine Ink,
4 Rubbers,
4 Board Cards,
15 Dozen Lead Pencils,
1 Paper Cutter.

L. BERHEL,  
Sergeant-at-Arms.

32 Which was received and 200 copies ordered to be printed, the pages to be printed lines in length, and 36 ems wide.

#### UNFINISHED BUSINESS.

8 The amendment of Mr. Brown to article 81, majority report, being under consideration.

Mr. McMillen was called to the chair.

24 Mr. Pinchback moved to lay the amendment of Mr. Brown on the table.

48 Adopted—ayes 46, nays 41—as follows:  
Yea: Antoine, Baker, Barrett, Belde  
8 Bertonneau, Blackburn, Blandin, Bonse  
gneur, Bonnefoi, Burrel, Cooley, Crawford  
16 Dearing, Damarest, Douglass, Duplessi  
Edward, Fuller, Ferguson, Gair, Harry  
400 Hempstead, Hiestand, Ingraham, T. Is  
abelle, Kelso, Landers, J. B. Lewis, R. Lev  
460 is, Ludeling, Massicot, McLeran, McMiller  
32 Newsham, Oliver, Packard, Pinchback  
Reese, Snider, Steele, Tinchant, Twitchel  
Underwood, Vandergriff, Waples, Wilson  
46 ayes.

Nays: Brown, Butler, Crane, Cromwell  
Depasseau, P. G. Deslonde, Donato, C  
Duporte, U. Dupart, Francois, Gardine  
Guichard, Harper, R. H. Isabelle, Jone  
Lange, Leroy, Marie, Meadows, Morris  
Moses, Murrel, Mushaway, Myers, Pierce  
Poindexter, Pollard, Reagan, Riard, Rigg  
Roberts, Rodriguez, Schwab, Smith, Scott  
Thibaut, Valfroit, Vidal, Wickliffe, Williams—41 nays.

The question recurring upon Mr. Page's amendment.

Mr. Cooley moved to amend it by substituting:

In the parish of Orleans the Criminal Court shall have exclusive original jurisdiction in criminal cases; the Probate Court shall have exclusive original jurisdiction in probate matters; the Court of Appeals from justices of the peace shall have appellate jurisdiction of appeals from justices of the peace; the other district courts shall have

iginal jurisdiction in all civil cases, probate uses excepted.

Mr. Waples moved to lay the amendment Mr. Cooley on the table.

Adopted.

Mr. Waples moved to lay the amendment Mr. Packard on the table.

Lost—ayes 11, nays 67—as follows:

Yea: Barrett, Crawford, Dearing, Demarest, Fuller, Ferguson, J. B. Lewis, Cider, Steele, Waples, Wickliffe—11.

Nays: C. C. Antoine, Baker, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cane, Cromwell, P. G. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, also, Lange, Leroy, Lewis, Richards, Frederick Marie, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrell, Musshaway, Myers, Newsham, J. C. Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Smith, Scott, Thibaut, Twitchell, Underwood, Valfroit, Vandegriff, Vidal, Williams, Henderson, Wilson—nays.

Mr. Wickliffe moved to amend by striking out “inferior” and inserting “district.”

Adopted.

Mr. Packard’s amendment, as amended, was adopted.

The question recurring upon article 81, amended.

Mr. Crane moved to amend by striking it in article 81, after the word “for,” in third line, to the word “Senate,” in the eighth line, and inserting “four years, and each district court, one Judge, learned law, shall be elected by and for their respective districts by a plurality of the qualified electors for members of the General Assembly, at the election thereof, next preceding the expiration of the terms the Judges, respectively.”

The Chair decided the amendment to be out of order.

Mr. Crane appealed.

Pending the decision of which, the Convention took a recess till 6 p. m.

Mr. Crane having the floor.

At the expiration of the recess the Convention reassembled, and there being no

quorum, adjourned till to-morrow at 11

A. M.

A true copy:

WM. VIGERS, Secretary.

## FORTY-SECOND DAY.

NEW ORLEANS, Saturday, Jan. 18, 1863.

The Convention met pursuant to adjournment, and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

President J. G. Taliaferro, Messrs. Baker, Barrett, Belden, Berthonneau, Blackburn, Blandin, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thomas Isabelle; Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Meadows, McLeran, McMillen, Morris, Moses, Murrell, Musshaway, Myers, Newsham, Oliver, Packard, Pierce, Reagan, Reese, Riggs, Roberts, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandegriff, Vidal, Wickliffe, Williams, Wilson.—74 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

### ORIGINAL RESOLUTIONS.

By Mr. McMillen:

*Resolved.* That hereafter the regular daily sessions (Sundays excepted) of the Convention shall be from 10 o’clock A. M. to 4 p. m., unless otherwise ordered by a majority of the members present.

Mr. McMillen moved to suspend the rules to place the resolution on its final passage.

Adopted.

Mr. Vidal moved to amend by substituting “3 p. m.” for “4 p. m.”

Laid on the table.

The resolution was adopted—ayes 74, nays 4—as follows:

Yea: Antoine, Barret, Berthonneau, Blandin, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Damarest, Depasseau, P. G. Deslonde, Donato, Douglass, G. Duparte, U. Dupart, Duplessis, Edward, Esnard, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Kelso, Lan-

ders, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Lynch, Marie, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Mushaway, Myers, Newsham, Oliver, Parkard, Pierce, Pinchback, Pollard, Reagan, Roberts, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams. Wilson—aves 74.

Nays: Francois, Murrel, Reese, Riggs—  
nays 4.

REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

#### SPECIAL COMMITTEES.

The special committee appointed to confer with the authorities in reference to the Tax Ordinance, through Mr. McMillen, its chairman, reported progress.

The special committee appointed to confer with the General commanding, with reference to the pay of Commissioners of Elections, submitted the following communication from headquarters, Fifth Military District:

GENTLEMEN—Major General Hancock directs me to say, in reference to the matter of the pay of the Commissioners for the late elections held throughout this State, that he has received a communication on that subject from Major General Sheridan, formerly commanding this District (to whom he referred the question, with a request that he would inform him as to his views in the premises), which he states that it was his intention to have paid the said Commissioners from the Reconstruction fund.

Gen. Hancock, therefore, instructs me to state that he will direct the said Commissioners to be paid out of the Reconstruction fund, upon their accounts being properly approved and presented at this office.

[Signed] W. G. MITCHELL,  
Secretary Civil Affairs.

#### UNFINISHED BUSINESS

The appeal of Mr. Crane from the decision of the Chair being in order, the decision of the Chair was reversed.

Ayes 32, nays 43, as follows:

July 32, May 15, as follows:

Yeas: Antoine, Barret, Belden, Berthonneau, Blandin, Cooley, Crawford, Cuney, Dearing, Demarest, Douglass, Duplessis, Edward, Harris Hempstead, Hiestand, Graham, Kelso, Landers, J. B. Lewis, Luegeling, McLeran, Pinchback, Reese, Snaer,

Snider, Steele, Tinchant, Twitchell,  
derwood, Vidal, Waples—32 yeas.

Nays : Bonnefoi, Brown, Burrel, But  
Crane, Depasseau, P. G. Deslonde, Dona  
G. Duparte, U. Dupart, Esnard, Franc  
Gair, Gardiner, Harper, R. H. Isabe  
Lange, Leroy, R. Lewis, Marie, Meadow  
Morris, Moses, Murrel, Mushaway, My  
Newsham, Oliver, Packard, Pierce, Pe  
dexter, Pollard, Reagan, Riggs, Rodriguez  
Schwab, Smith, Scott, Thibaut, Valfr  
Wickliffe, Williams, Wilson—43 nays.

The question recurring upon the amendment of Mr. Crane, it was adopted—a 44, nays 32—as follows:

Ayes: Bonnefoi, Brown, Butler, Cromwell, Depasseau, P. G. Deslon Donato, G. Duparte, U. Dupart, Esna Francois, Gair, Gardiner, Harper, R. Isabelle, Lange, Leroy, Marie, Meadow Morris, Moses, Murrel, Mushaway, My Newsham, Pierce, Poindexter, Polla Reagan, Riard, Riggs, Rodriguez, Schw Smith, Snaer, Scott, Thibaut, Tincha Valfroit, Vidal, Wickliffe, Williams, Wils 44 ayes.

Nays: Antoine, Barrett, Belden, Bert  
neau, Cooley, Crawford, Cuney, Demar  
Douglass, Duplessis, Ferguson, Har  
Hempstead, Hiestand, Ingraham, Ke  
Landers, J. B. Lewis, R. Lewis, Ludel  
McMillen, McLeran, Oliver, S. B. Pack  
Pinchback, Reese, Snider, Steele, Twitch  
Underwood, Vandergriff, Waples—32 n

The question recurring upon the adoption of article 81, majority report, amended, and reading as follows:

ART. 83. The Legislature shall divide State into judicial districts, which shall remain unchanged for four years, and for each district court, one Judge, learned in the law, shall be elected by and for their respective districts by a plurality of the qualified electors for members of the General Assembly at the election thereof next preceding the expiration of the terms of the said Judges, respectively. For each district there shall be one district court, except in the parish of Orleans, in which the Legislature may establish as many district courts as the public interest may require. Until otherwise provided, there shall be seven district courts for the parish of Orleans, to be designated as follows: The Criminal Court, the Probate Court, the Court of Appeals from Justices' courts, and the Fourth, Fifth, Sixth and Seventh District Courts. The number of districts shall not be less than twelve nor more than twenty. The clerk of the district courts shall be elected by the qualified electors of their several districts and shall hold their office for four years.

The ayes and nays were ordered and the same day as that of the ratification of the Constitution for the State of Louisiana.

At the conclusion of the call, and before result was announced, on motion of Mr. W. Vigers, the Sergeant-at-Arms was ordered to ring in absent members, pending which Convention adjourned until Monday at 11 A. M.

true copy:

WM. VIGERS, Secretary.

#### FORTY-THIRD DAY.

NEW ORLEANS, Monday, Jan. 20, 1868.  
The Convention met pursuant to adjournment, and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

resident J. G. Taliaferro, Messrs. Baker, Seigneur, Bonnefoi, Brown, Burrel, Butt-

Crane, Cromwell, Cuney, Dearing, Depasseau, Deslonde P. G., Douglass, Dessimis, Edward, Francois, Fuller, Ferion, Gair, Guichard, Harper, Harris, instead, Hiestand, Ingraham, Isabelle Jones, Kelso, Landers, Lange, Leroy, is J. B., Lewis R., Lynch, Meadows, Filleen, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Redexter, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Smith, Scott, Snider, Thibaut, Underwood, Vandergrift, Waples, Wickliffe, Williams—61 members present.

The minutes were read and adopted.

Motion by the Rev. Jos. Fisk.

#### ORIGINAL RESOLUTIONS.

Motion by Mr. Waples offered the following motion: warrant for \$1102 having been issued to Bloomfield & Co., on the 19th of December, 1867, without the authority of the Convention, and in advance of any action on the bills of the said firm, I move that said warrant be stopped, and the President, Secretary and Warrant Clerk, be directed to forward communication signed by them, to the Auditor and Comptroller of the State, giving said officers notice of the fact that payment of amount is stopped.

Motion adopted.

Motion by Mr. Cromwell:

HEREAS, This Convention is assembled in a Constitutional and State government to be ratified by the qualified electors of Louisiana; therefore, it is ordained by the people of Louisiana that no municipal corporation for the city of New Orleans shall

be held on the same day as that of the ratification of the Constitution for the State of Louisiana.

The General Assembly, at its first session, under this Constitution, shall provide by law for municipal elections under the City Charter of Orleans.

Lies over.

Motion by Mr. Moses moved that no member shall be allowed to go out of the Convention after the roll has been called, except by leave of the President.

Motion Laid on the table.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

#### SPECIAL COMMITTEES.

Motion by Mr. Waples moved to adopt the resolutions reported by the Special Committee on Contingent Expenses.

Motion by Mr. McMillen moved to postpone and make them the special order for to-morrow at 6 o'clock.

Motion Adopted.

#### UNFINISHED BUSINESS.

The absent members recorded their votes upon the amendment pending at the last adjournment.

And the result of the vote was announced as follows:

Ayes 52, nays 39.

Ayes: Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Depasseau, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, R. H. Isabelle, Jones, Lange, Leroy, R. Lewis, Marie, Meadows, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Valfroit, Vidal, Wickliffe, Williams, Wilson—52 ayes.

Nays: Antoine, Baker, Barrett, Belden, Beronneau, Blackburn, Elandin, Cooley, Crawford, Cuney, Dearing, Damarest, Douglass, Duplessis, Edward, Fuller, Ferguson, Hempstead, Hiestand, Ingraham, Thos. Isabelle, Kelso, Landers, J. B. Lewis, Ludeling, Lynch, Massicot, McLellan, McMillen, Oliver, Packard, Reese, Snider, Steele, Tinchant, Twitchell, Underwood, Vandergrift, Waples—39 nays.

And the article, as amended, and reading as follows, was adopted:

**ART. 83.** The Legislature shall divide the State into judicial districts, which shall remain unchanged for four years, and for each District Court, one judge, learned in law, shall be elected by and for their respective districts by a plurality of the qualified electors for members of the General Assembly, at the election thereof next preceding the expiration of the terms of the Judge, respectively. For each district there shall be one district court, except in the parish of Orleans, in which the Legislature may establish as many district courts as the public interest may require. Until otherwise provided, there shall be seven district courts for the parish of Orleans, to be designated as follows: The Criminal Court, the Probate Court, the Court of Appeals from justices' courts, and the Fourth, Fifth, Sixth and Seventh District Courts. The number of districts in the State shall not be less than twelve nor more than twenty. The clerks of the district courts shall be elected by the qualified electors of their respective districts, and shall hold their office for four years.

By Mr. Blandin:

Article 82, majority report, amended by striking out "six" and inserting "four" in 12th line.

Mr. Wickliffe moved to amend by striking out all from the 7th to the 10th line, inclusive, and inserting after the words, "United States," "and of this State."

Mr. Smith moved to amend by adding, "shall not be eligible to any other office of emoluments or trust during the term for which he may be elected, and for one year thereafter."

The previous question was moved and seconded by a majority of the delegates.

The ayes and nays were demanded.

And the amendment by Mr. Blandin was adopted—ayes 47, nays 36—as follows:

Yea: Baker, Blackburn, Blandin, Bonnejean, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Cuney, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Guichard, Harris, R. H. Isabelle, Jones, Lange, Marie, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Oliver, Packard, Pierce, Pinckback, Poindexter, Pollard, Reagan, Riggs, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—47 ayes.

Nays: Antoine, Barrett, Berthonneau, Cooley, Crawford, Dearing, Damarest, Depasjeau, Douglass, Duplessis, Edward, Esnard, Fuller, Ferguson, Gair, Harper, Hiestand,

Ingraham, Isabelle T., Kelso, Landers, Leloy, Lewis J. B., Lewis R., Ludeling, Martin, McMillen, Mushaway, Myers, Newsham, Riard, Roberts, Snider, Steele, Twichell, Waples—36 nays.

The question recurring upon the amendment of Mr. Wickliffe, it was lost—ayes 3 nays 53—as follows:

Yea: Burrel, Butler, Cooley, Cromwell, Donato, G. Duparte, U. Dupart, Esnard, Francois, Gardiner, Guichard, Harper, Harris, Landers, Lange, Marie, Massicot, Morris, Pierce, Reagan, Riggs, Rodriguez, Schwab, Snaer, Twichell, Valfroit, Vidal, Wickliffe, Williams, Weston, Henderson—32 yeas.

Nays: Antoine, Baker, Barrett, Bertoneau, Blackburn, Blandin, Bonnejean, Bonnefoi, Brown, Crawford, Cuney, Dealing, Demarest, Deslonde P. G., Douglas Duplessis, Edward, Fuller, Ferguson, Gair, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Kelso, Leroy, Lew J. B., Lewis R., Lindeling, Martin, McLeran, McMillen, Moses, Murrel, Musaway, Myers, Newsham, Oliver, Packard, Pinckback, Poindexter, Pollard, Riar, Roberts, Smith, Scott, Snider, Steele, Thibaut, Underwood, Vandergriff, Wiles—53.

The question recurring upon the amendment of Mr. Smith.

It was lost.

The question recurring upon the motion to adopt article 82, as amended, and reading as follows:

**ART. 84.** Each of said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than five thousand dollars. He must be a citizen of the United States, over the age of twenty-five years, and have resided in the State and practiced law therein for a space of two years next preceding his appointment. The Judges of the district courts shall hold their office for the term of six years.

It was adopted—ayes 52, nays 34—as follows:

Yea: Antoine, Baker, Blandin, Bonnejean, Bonnefoi, Brown, Butler, Crane, P. G. Deslonde, G. Duparte, U. Dupart, Esnard, Francois, Gardiner, Guichard, Harper, Hiestand, Ingraham, R. H. Isabelle, Jones, Lange, Landers, Leroy, Twichell, Marie, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pinckback, Poindexter, Pollard, Riggs, Rodriguez, Snaer, Steele, Vidal, Valfroit, Wickliffe, Williams, Wilson—47 ayes.

Snaer, Smith, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—52 ayes.

Nays: Barrett, Berthonneau, Blackburn, Burrel, Cooley, Crawford, Cromwell, Cuney, Dearing, Damarest, Depasseau, Donato, Douglass, Duplessis, Edward, Fuller, Ferguson, Gair, Harris, Kelso, J. B. Lewis, R. Lewis, Martin, Mushaway, Myers, Pierce, Reagan, Reese, Riard, Roberts, Schwab, Scott, Snider, Steele, Vandergrieff, Waples—34 nays.

Mr. Crane moved to reconsider the vote last taken.

Mr. Waples moved to lay the motion to reconsider on the table.

Lost.

The motion to reconsider prevailed.

Mr. Crane moved to amend by striking out “appointment,” and inserting “election.”

Adopted—ayes 64, nays 16—as follows:

Yea: Antoine, Baker, Blackburn, Blanlin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Cuney, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, Hiestand, R. H. Isabelle, Thos. Isabelle, Jones, Landers, Lange, Leroy, R. Lewis, Marie, Martin, Massicot, Meadows, McMillen, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—4 ayes.

Nays: Barrett, Crawford, Dearing, Demarest, Duplessis, Edward, Fuller, Ferguson, Hempstead, Kelso, J. B. Lewis, Ludeling, Reese, Snider, Steele, Waples—16 nays.

The article as amended, and reading as follows, was adopted—ayes 65, nays 16:

ART. 84. Each of said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than five thousand dollars. He must be a citizen of the United States, over the age of twenty five years, and have resided in the State and practiced law therein for the space of two years next preceding his election. The Judges of the District Court shall hold their office for the term of four years.

Yea: Antoine, Baker, Blackburn, Blanlin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Depasseau,

Deslonde P. G., Duparte G., Dupart U., Dornato, Edward, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Landers, Lange, Leroy, Lewis R., Marie, Martin, Meadows, McLaran, Morris, Moses, Murrel, Mushaway, Myers, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—65 yeas.

Nays: Barrett, Berthonneau, Crawford, Cuney, Dearing, Demarest, Duplessis, Fuller, Kelso, Lewis J. B., Ludeling, McMillen, Reese, Riard, Snider, Waples—16 nays.

Mr. Hempstead moved to reconsider the vote just taken.

Laid on the table.

By Mr. Pinchback:

Article 83, majority report, reading as follows:

ART. 85. The district courts shall have original jurisdiction in all civil cases, not probate, when the amount in dispute exceeds five hundred dollars, exclusive of interest. They shall have concurrent jurisdiction with the parish courts, in probate matters, when there exists a contestation, and the amount in dispute is over five hundred dollars, exclusive of interest. In criminal cases their jurisdiction shall be unlimited. They shall have appellate jurisdiction in civil ordinary suits, when the amount in dispute exceeds one hundred dollars, exclusive of interest.

Mr. Hempstead moved to amend by striking out “five” and inserting “three.”

Laid on the table.

The article was adopted.

Mr. Underwood moved to adopt article 94, minority report.

Mr. Smith moved to amend by striking out all, after the word “article,” and inserting article 84, majority report.

Mr. Cooley was called to the chair.

Mr. Crane moved to amend the amendment of Mr. Smith, as follows:

For each parish court, one Judge, learned in the law, shall be elected by a plurality of the qualified electors of each parish for members of the General Assembly at the election next preceding the expiration of the terms of said Parish Judges respectively. Said Judges shall hold their office for the term of four years, etc.

Mr. Hempstead moved to amend article

94, by striking out the words "learned in the law" and "shall have practised law in the State two years next preceding his election."

Mr. Smith withdrew his substitute.

Mr. Bertonneau moved to lay the amendment of Mr. Hempstead on the table.

Lost.

The amendment was adopted.

The question recurring upon the adoption of article 94, minority report, as amended, and reading as follows:

ART. 86. For each parish court one Judge shall be elected by the qualified electors of the parish. They shall hold their offices for the term of two years. They shall receive a salary, and fees to be provided by law—until otherwise provided. Each parish Judge shall receive a salary of one thousand two hundred dollars per annum, and such fees as are now established by law for clerks of courts. He shall be a citizen of the United States.

It was adopted—ayes 49, nays 20—as follows:

Yea: Blackburn, Brown, Burrel, Crane, Cromwell, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Duplessis, Francois, Gair, Gardner, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Landers, Lange, Leroy, J. B. Lewis, Marie, Martin, Meadows, McLeran, Morris, Moses, Mushaway, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Scott, Twitchell, Vidal, Wickliffe, Williams, Wilson—49 ayes.

Nays: Antoine, Baker, Barrett, Bertonneau, Blandin, Bonnefoi, Cooley, Crawford, Cune, Dearing, Douglass, Esnard, Fuller, Ferguson, Thos. Isabelle, Kelso, Ludeling, McMillen, Riard, Snider—20 nays.

Mr. Twitchell moved to reconsider the vote last taken.

The motion was laid on the table.

Mr. McMillen moved to adopt article 85 of the majority report.

Mr. Crane moved to amend by striking out thirtieth and thirty-first lines.

Pending its consideration, the Convention adjourned until to-morrow at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

#### FORTY-FOURTH DAY.

NEW ORLEANS. Tuesday, Jan. 21, 1868.

The Convention met pursuant to adjourn-

ment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Barrett, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Dearing, Depasseau, Deslonde P. G., Douglass, Duparte G., Dupart U., Duplessis, Edward, Francois, Fuller, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Jones, Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis R., Ludeling, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Smith, Scott, Snider, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—69 members present.

The minutes were read and adopted.

Mr. Cromwell called up his resolution lying over from January 20, as follows:

WHEREAS, This Convention is assembled to form a Constitutional and State government to be ratified by the qualified electors of Louisiana; therefore,

*Be it ordained by the people of Louisiana in Convention assembled,* That no municipal election for the city of New Orleans shall be held on the same day as that of the ratification of the Constitution for the State of Louisiana.

The General Assembly, at its first session, shall provide by law for municipal elections under the City Charter of Orleans.

Mr. Blandin moved to lay it on the table.  
Adopted.

Mr. Ludeling moved to reconsider the vote.

Adopted.

Mr. Gair moved to lay on the table.

Adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Cooley:

*Be it ordained by the Constitutional Convention of the State of Louisiana,* That the penalty of twenty-five per cent. as an additional tax upon the tax of one mill, levied by this Convention by the ordinance of January 4, 1868, and the additional penalty of two and one-half per cent. mentioned in said ordinance, shall not be exacted until the 15th of February, 1868, when the tax collectors of the city of New Orleans, right bank, and parish of Jefferson, shall exact the first penalty of twenty-five per cent. on the original tax levied and for every ten

lays after said 15th February, they shall exact a further penalty of two and a half per cent. on said original tax of one mill. But nothing in this ordinance shall be construed to repeal the last section of said ordinance of the 4th January, 1868, indicating the summary manner of collecting the tax of one mill.

Lies over.

Mr. Ingraham moved that the Auditor of Accounts is hereby requested to inform this Convention, officially, of the amount of tax received by him for the benefit of this Convention, and to whom he has paid any portion of said tax.

Adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

The Committee on Contingent Expenses presented a bill from the Gas Company, which, on motion, was referred to a special committee to be appointed by the Chair.

A communication from Mr. Madden was ordered to be returned to him.

#### UNFINISHED BUSINESS.

The amendment of Mr. Crane was laid on the table.

Article 85, majority report, reading as follows:

ART. 87. The parish courts shall have concurrent jurisdiction with the justices of the peace in all cases when the amount in controversy is more than twenty-five dollars, and less than one hundred dollars, exclusive of interest. They shall have exclusive original jurisdiction, in ordinary suits, in all cases when the amount in dispute exceeds one hundred dollars and does not exceed five hundred dollars; subject to an appeal to the district court, in all cases when the amount in contestation exceeds one hundred dollars, exclusive of interest. In probate matters, they shall have concurrent jurisdiction with district courts in all cases when there exists a contestation or suit and the amount in dispute exceeds five hundred dollars. In all other cases they shall have exclusive original jurisdiction in probate matters. In criminal matters the parish court shall have jurisdiction in all cases when the penalty is not necessarily imprisonment at hard labor, or death, and when the accused shall waive trial by jury. They shall also have the power of a committing magistrate, and such other jurisdiction as may be conferred on them by law. There shall be no trial by jury before the parish courts.

Was adopted.

By Mr. Underwood:

Article 86, majority report, reading as follows:

ART. 88. In all probate matters when the amount in dispute shall exceed five hundred dollars, exclusive of interest, the appeal shall be directly from the parish to the Supreme Court.

Which was adopted.

By Mr. Blandin:

Article 87, majority report, reading as follows:

ART. 89. The justices of the peace shall be elected by the electors of each parish, in the manner to be provided by the General Assembly. They shall hold office for the term of two years, and their compensation shall be fixed by law. Their jurisdiction in civil cases shall not exceed one hundred dollars, exclusive of interest, subject to an appeal to the parish court, in all cases when the amount in dispute shall exceed twenty-five dollars, exclusive of interest. They shall have such criminal jurisdiction as shall be provided by law.

Which was adopted.

By Mr. Blandin:

Article 88, majority report, reading as follows:

ART. 90. In any case when the Judge may be recused, and when he is not personally interested in the matters in contestation, he shall select a lawyer, having the qualifications required for Judges of the courts, to try such cases. And when the Judge, is personally interested in the suit, he shall call upon the parish or district Judge as the case may be, to try the case.

Mr. Cooley was called to the chair.

Mr. Underwood moved to amend by striking out the word "lawyer," and inserting the word "person."

Mr. Hiestand moved to amend by inserting the word "intelligent."

Mr. Barrett moved to amend by inserting the word "male."

Mr. Gair moved to lay the pending amendments on the table.

Adopted.

And the article as reported was adopted.

By Mr. Underwood:

Article 89, majority report, reading as follows:

ART. 91. The General Assembly shall have power to vest in the parish Judges the

right to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the power thus granted shall be specified and determined.

Which was adopted.

By Mr. Underwood:

Article 100, minority report, reading as follows:

ART. 100. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State, and one District Attorney for each judicial district in the State who shall be elected from among those licensed to practice law in this State.

Mr. Crane moved to amend by inserting after the word "elected," "for four years."

Mr. Wickliffe moved to amend by striking out all after the word "article," and inserting:

ART. —. There shall be an Attorney General for the State, who shall be elected by the registered voters of the State at large. He shall receive a salary of five thousand dollars per annum, payable quarterly on his own warrant, and shall hold his office for four years. There shall be a District Attorney for each judicial district of the State, who shall be elected by the registered voters of the judicial district. He shall receive a salary of three thousand dollars, payable on his own warrant, and shall hold his office for four years.

Mr. Ferguson moved to lay the amendment of Mr. Wickliffe on the table.

Lost.

Mr. Packard moved to amend the amendment by striking out "three thousand" and inserting "fifteen hundred."

Mr. Crane moved to lay the amendment on the table.

Lost.

The amendment of Mr. Packard was adopted.

Mr. Crane moved to lay the substitute as amended on the table.

Lost.

Mr. Crane moved to amend the substitute by striking out "registered voters," and inserting "qualified electors."

Mr. Gair moved to lay the amendment of Mr. Crane on the table.

Lost.

The amendment of Mr. Crane was adopted.

The question recurring upon the substitute of Mr. Wickliffe, as amended, and reading as follows:

ART. 92. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large. He shall receive a salary of five thousand dollars per annum, payable quarterly on his own warrant, and shall hold his office for four years. There shall be a District Attorney for each judicial district of the State, who shall be elected by the qualified electors of the judicial district. He shall receive a salary of fifteen hundred dollars, payable on his own warrant, and shall hold his office for four years.

It was adopted.

Mr. Douglass moved to amend article 101, majority report, by striking out "two," and inserting "four," and to adopt as amended.

Mr. Gair moved to lay on the table.

Adopted.

Mr. Wickliffe moved to amend article 101, minority report, by striking out all after the word "article," and inserting:

A Sheriff and a Coronor shall be elected in each parish by the qualified electors of each parish, for the term of two years. As many constables as may be designated by law, shall be elected by the qualified voters of the several districts or wards, and they shall serve for two years.

Mr. Underwood moved to lay the amendment on the table.

Adopted.

Mr. Moses moved to adopt article 101 as reported.

Mr. Wickliffe moved to amend by adding in the seventh line, "and shall serve for two years."

Mr. McMillen moved to amend by striking out "two," and inserting "one."

Mr. Moses moved to lay the amendment of Mr. McMillen on the table.

Adopted.

Mr. Jones moved to take from the table the amendment of Mr. Wickliffe.

Mr. R. H. Isabelle raised the point of order that the motion to take from the table was not in order until the motion in question had lain on the table one day.

The Chair decided the motion to take from the table to be in order.

Mr. Isabelle appealed.

The Chair was sustained.

The previous question was demanded and the ayes and nays were ordered, and the motion to take from the table prevailed—ayes 37, nays 34—as follows:

Ayes: Baker, Bertonneau, Bonseigneur, Brown, Butler, Crane, Donato, G. Duparte, U. Dupart, Duplessis, Francois, Gardiner, Guichard, Landers, Lange, Martin, McLeran, Moses, Newsham, Oliver, Pierce, Poindexter, Pollard, Reagan, Riggs, Roberts, Rodriguez, Schwab, Smith, Underwood, Vidal, Wickliffe, Williams, Wilson—yeas 37.

Nays: Antoine, Barrett, Blandin, Bonnefoi, Cooley, Crawford, Cromwell, Demarest, Depasseau, P. G. Deslonde, Edward, Esnard, Fuller, Ferguson, Gair, Harper, Harris, Kelso, Leroy, R. Lewis, Ludeling, Marie, McMillen, Morris, Myers, Packard, Pinchback, Reese, Riard, Snaer, Tinchant, Twitchell, Waples—nays 34.

The question recurring upon the adoption of the substitute of Mr. Wickliffe.

Mr. McMillen raised the point of order that the operation of the previous question terminated with the vote upon taking from the table, which was the main question under consideration, and did not preclude debate upon the merits of the article.

The Chair ruled adversely.

Mr. McMillen appealed.

The Chair was sustained.

The amendment of Mr. Wickliffe, reading as follows:

ART. 93. There shall be a Sheriff and Coroner elected by the qualified voters of each parish, except the parish of Orleans, in which parish there shall be elected by the qualified voters two Coroners and one Sheriff for each district court. The Criminal Court, Probate Court and Court of Appeals from justices' courts, they shall hold their offices for two years.

Was adopted—ayes 37, nays 25—as follows:

Ayes: Bertonneau, Bonseigneur, Butler, Crane, Donato, G. Duparte, U. Dupart, Duplessis, Francois, Gardiner, Ingraham, R. H. Isabelle, Jones, Lange R. Lewis, Marie, Martin, Morris, Moses, Newsham, Oliver, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riggs, Roberts, Rodriguez, Schwab, Smith, Underwood, Vidal, Wickliffe, Williams, Wilson—ayes 37.

Nays: Antoine, Barrett, Blandin, Bonnefoi, Cooley, Crawford, Dearing, Demarest, Depasseau, Edward, Esnard, Ferguson, Harris, Kelso, Leroy, Ludeling, McMillen,

Myers, Packard, Reese, Riard, Steele, Tinchant, Twitchell, Waples—nays 25.

Mr. Pinchback moved to reconsider the vote just taken.

Adopted.

On motion, a recess was taken until 6 p. m.

At the expiration of the recess the Convention reassembled, and a quorum not being present, adjourned until to-morrow at 10 o'clock a. m.

A true copy:

WM. VIGERS, Secretary.

#### FORTY-FIFTH DAY.

NEW ORLEANS, Wednesday, Jan. 22, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 a. m.

The roll was called, and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barrett, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Douglass, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Gair, Guichard, Harris, Hempstead, Ingraham, T. Isabelle, Jones, Kelso, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Martin, Meadows, McLeran, Moses, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Roberts, Rodriguez, Schwab, Snaer, Scott, Snider, Twitchell, Underwood, Valfroit, Waples, Wickliffe, Williams, Wilson—63 members.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

Mr. Waples moved that an error in the official report of proceedings of January 17th, be corrected as follows:

By striking out the word "Convention," and inserting the word "connection," in the report of the special committee, so as to make the sentence in which the error occurs, read as written by the committee, viz :

"In this connection, we call attention to the testimony of the Sergeant-at-arms and B. Bloomfield."

By striking out "38 per cent.," and insert "33 per cent.," where it occurs.

By restoring the punctuation as made by the committee.

All the other eight or ten official journals are hereby instructed to print as corrected.

Adopted.

## ORIGINAL RESOLUTIONS.

By Mr. Baker:

*Resolved*, That no member of this Convention be permitted to speak more than ten minutes on the same question, except by leave of a majority of the members present.

Lies over.

Mr. Cromwell called up his resolution lying over from January 13, and it was indefinitely postponed.

## STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

## SPECIAL COMMITTEES.

The President appointed Messrs. Bertonneau, Douglass and Lewis a committee to examine the bill of the Gas Company.

Mr. Cooley called up his resolution of January 21, amending the Tax Ordinance, as follows:

*Be it further ordained, etc.*, The capital stock and other property, moveable or immoveable, belonging to the banks of the city of New Orleans, by virtue of special charters from the State of Louisiana, and which by present State laws are exempt from taxation, shall be subject to the tax of one mill per cent., levied by ordinance of the 24th December, 1867, and to all the additional taxes imposed as penalties by subsequent ordinances of this Convention; and the tax collectors of the place where said banks carry on their business, as authorized under existing State laws, to call upon two freeholders, who, with the said tax collector, shall constitute a board to ascertain the actual market value of the capital stock of said banks, and the value of all property held by them; and the tax of one mill heretofore levied shall be calculated on the value of said capital stock and other property owned by said banks, according to the appraisement thereof made by the abovesaid board.

Mr. Crane moved to amend by adding:

And the State tax collectors and Sheriffs, parish and city Treasurers are hereby authorized to receive the warrants authorized and issued in favor of and for the payments of the members of this Convention, in payment of State, parish and city taxes and licenses.

Which was lost—ayes 5, nays 73—as follows:

Yea: Crane, P. G. Deslonde, Duparte, Lange, Tinchant—5 yeas.

Nays: Antoine, Baker, Barrett, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoy, Brown, Burrel, Butler, Cooley, Crawford, Cromwell, Cuney, Dearing, Demarest Depasseau, Donato, Douglass, Dupart, Dulessis, Esnard, Francois, Ferguson, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Leroy, J. B. Lewis, Ludeling, Marie, Martin, Massicot, Meadows, McLaran, Morris, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Twitchell, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—73 nays.

And the resolution, as proposed, was adopted.

The question recurring upon the original ordinance as amended, and reading as follows :

*Be it ordained by the Constitutional Convention of the State of Louisiana*, That the penalty of twenty-five per cent. as an additional tax upon the tax of one mill, levied by this Convention by the Ordinance of January 4, 1868, and the additional penalty of two and one-half per cent. mentioned in said ordinance, shall not be exacted until the 15th of February, 1868, when the tax collectors of the city of New Orleans, right bank, and parish of Jefferson, shall exact the first penalty of twenty-five per cent. on the original tax levied, and for every ten days after said 15th February, they shall exact a further penalty of two and a half per cent. on said original tax of one mill.

But nothing in this ordinance shall be construed to repeal the last section of said ordinance of the 4th January, 1868, indicating the summary manner of collecting the tax of one mill.

*Be it further ordained, etc.*, The capital stock and other property, movable or immoveable, belonging to the banks of the city of New Orleans, by virtue of special charters from the State of Louisiana, and which by present State laws are exempt from taxation, shall be subject to the tax of one mill per cent., levied by ordinance of the 24th December, 1867, and to all the additional taxes imposed as penalties by subsequent ordinances of this Convention; and the tax collectors of the place where said banks carry on their business, as authorized under existing State laws, to call upon two freeholders, who, with the said tax collector, shall constitute a board to ascertain the actual market value of the capital stock of said banks, and the value of all

property held by them; and the tax of one mill heretofore levied, shall be calculated on the value of said capital stock and other property owned by said banks, according to the appraisement thereof made by the abovesaid board.

It was adopted—ayes 53, nays 22—as follows:

Yea: Antoine, Baker, Barrett, Belden, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Butler, Cooley, Crane, Crawford, Dearing, Demarest, Douglass, G. Duparte, Duplessis, Esnard, Fuller, Ferguson, Guichard, Ingraham, T. Isabelle, R. H. Isabelle, Jones, Kelso, Leroy, Ludeling, Marie, Martin, Massicot, Morris, Moses, Mushaway, Myers, Oliver, Pinchback, Pollard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Snider, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—53 yeas.

Nays: Burrel, Cromwell, Cuney, Deslonde P. G., Dupart U., Francois, Fuller, Gair, Gardiner, Harper, Harris, Hempstead, Lange, Lewis, Meadows, McLeran, Newsham, Packard, Pierce, Poindexter, Reagan, Scott—22 nays.

#### UNFINISHED BUSINESS.

Mr. Wickliffe's substitute being under consideration.

Mr. Wickliffe, with the consent of the Convention, withdrew his original substitute and moved to adopt the following in its place:

ART. 93. There shall be a Sheriff and Coroner elected by the qualified electors of each parish except the parish of Orleans. In the parish of Orleans, there shall be elected by the qualified electors of the parish at large, one Sheriff for the Criminal Court, who shall be the executive officer of said court, and shall have exclusive control of the Parish Prison.

There shall also be elected by the qualified electors of the parish at large, one Sheriff, who shall be the executive officer of the civil courts, and who shall perform all other duties heretofore devolving upon the Sheriff of the parish of Orleans. The qualified electors of the city of New Orleans, below Canal street, shall elect one Coroner for that district, and the qualified electors of the city of New Orleans residing above Canal street, together with those residing in that part of the parish known as Orleans, right bank, shall elect one Coroner for that district. All of said officers shall hold their office for two years, and receive such fees of office as may be prescribed by law.

Which was adopted.

The original article as thus amended was adopted—ayes 43, nays 24—as follows:

Ayes: Antoine, Baker, Belden, Berthonneau, Blandin, Bonseigneur, Butler, Crane, Donato, G. Duparte, U. Dupart, Duplessis, Francois, Gardiner, Guichard, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Lange, Lewis, Meadows, McLeran, Morris, Moses, Mushaway, Myers, Newsham, Packard, Pierce, Pinchback, Pollard, Reagan, Riard, Riggs, Rodriguez, Smith, Scott, Valfroit, Vidal, Wickliffe, Williams, Wilson—43 yeas.

Nays—Barrett, Bonnefoi, Cooley, Crawford, Cuney, Dearing, Demarest, Depasseau, Esnard, Fuller, Ferguson, Gair, Harper, Harris, Hempstead, Kelso, J. B. Lewis, Ludeling, Marie, Oliver, Poindexter, Twitchell, Underwood, Waples—24.

By Mr. Blandin:

Article 92, majority report, as follows:

Art. 94. The power of impeachment shall be vested in the House of Representatives.

Adopted.

By Mr. Hempstead:

Article 93, majority report, as follows:

ART. 95. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Superintendent of Public Education and of the Judges of the inferior courts, justices of the peace excepted, shall be tried by the Senate; the Chief Justices of the Supreme Court, or the senior Judge thereof, shall preside during the trial of such impeachment. Impeachments of the Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Adopted.

By Mr. Hempstead:

Article 94, majority report, as follows :

Art. 96. Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

Adopted.

By Mr. Underwood :

Article 107, minority report, as follows :

ART. 107. Every male person of the age of twenty-one years or upwards, excepting paupers under interdiction, and persons disfranchised by this Constitution, who shall be a citizen of the United States, and who shall have been an inhabitant in this

State one year next preceding an election, and the last sixty days within the parish in which he offers to vote, shall be deemed an elector.

Mr. Ingraham moved to amend by striking out all after the word "article," and inserting :

Every male person of the age of twenty-one years, or upwards, born or naturalized in the United States, and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last 60 days within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this Constitution and persons under interdiction.

Mr. Cooley moved that the Convention do now resolve itself into a committee of the whole to consider the provisions with reference to disfranchisement.

Mr. Pinchback moved to lay on the table.

Adopted.

Mr. Cooley moved to amend Mr. Ingraham's substitute by striking out "subject to the jurisdiction thereof."

Mr. Harper moved to table.

Adopted.

Mr. Crane moved to amend by striking out "except those disfranchised by the Constitution."

Mr. Gair moved to lay on the table.

Adopted—ayes 36, nays 28—as follows :

Yea—Antoine, Belden, Crawford, Cromwell, Cuney, Deslonde P. G., Francois, Gair, Gardiner, Guichard, Harper, Hiestand, Ingraham, Jones, Kelso, Lange, Leroy, Lewis Richard, Martin, Massicot, Meadows, McLeran, Morris, Moses, Newsham, Packard, Pierce, Pinchback, Pindexter, Reagan, Schwab, Scott, Valfroit, Waples, Wickliffe, Wilson—36 yeas.

Nays: Baker, Barrett, Bertonneau, Bonnefoi, Burrel, Butler, Cooley, Crane, Dearing, Demarest, Donato, G. Duparte, U. Dupart, Esnard, Thomas Isabelle, Jones, J. B. Lewis, Ludeling, McMillen, Mushaway, Myers, Pollard, Reese, Riard, Riggs, Rodriguez, Snider, Steele, Williams — 28 nays.

The question recurring upon the substitute of Mr. Ingraham, as follows :

ART. 97. Every male person of the age of twenty-one years or upwards, born or naturalized in the United States, and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last sixty days

within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this Constitution and persons under interdiction.

It was adopted.

The question recurred upon the original motion as amended, pending which, the Convention adjourned until to-morrow at 10 o'clock.

A true copy :

WM. VIGERS, Secretary.

#### FORTY-SIXTH DAY.

NEW ORLEANS, Thursday, Jan. 23, 1868.

The Convention met pursuant to adjournment, and, in the absence of the President, was called to order by Mr. Cooley.

The roll was called, and the following members answered to their names:

Messrs. Antoine, Baker, Barrett, Blandin, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, U. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, T. Isabelle, Jones, Kelso, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Marie, Martin, Meadows, McLeran, Morris, Moses, Mushaway, Newsham, Oliver, Packard, Pierce, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—68 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

Mr. Fuller was excused from attendance on account of the serious illness of his colleague.

#### ORIGINAL RESOLUTIONS.

By Mr. Harper:

*Resolved*, That the State Treasurer be hereby authorized to pay no money from the treasury, received by him in pursuance of the ordinance adopted by this Convention December 12, 1867, to defray its expenses as herein provided.

*Resolved*, That whenever so ordered, the State Treasurer shall inform the Convention of the amount of money raised in pursuance of the above mentioned ordinance, and that when this amount of money is so ascertained, the Warrant Clerk shall forthwith issue or endorse warrants of equal amounts of money to each member officer or employe of the Convention.

Said warrants to be endorsed "special warrants," which warrants shall be paid on presentation, by the Treasurer of State.

*Resolved*, That when the Constitution, to be adopted by this Convention, shall be submitted to the people for ratification, these resolutions shall be null and void.

*Resolved*, That a copy of these resolutions be immediately furnished to the State Treasurer for his information and guidance.

Lies over.

By Mr. Cromwell:<sup>\*</sup>

WHEREAS, Congress made it obligatory on each of the unreconstructed States to adopt the Constitutional Amendment known as the 14th article of the United States Constitution; therefore,

*Be it ordained by the people of Louisiana in Convention assembled*, That we do ordain and adopt the proposed amendment to the Constitution of the United States, known as the 14th article of the Constitution.

Lies over.

Mr. Baker called up his resolution of January 22.

Laid on the table.

#### STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

#### UNFINISHED BUSINESS.

The motion of Mr. Underwood to adopt article 107, minority report, as amended by the substitute of Mr. Ingraham, being under consideration.

Mr. Moses moved to reconsider the vote just taken.

Mr. Ingraham moved to lay the motion to reconsider on the table.

Adopted.

Mr. Waples moved to amend by adding all that part of article 95, majority report, from the word "no," in the 11th line.

Mr. Meadows moved to amend by striking out "1872," and inserting "1999."

Laid on the table.

On motion of Mr. Brown, the motion upon the amendment of Mr. Waples, was divided, first, upon the first sentence of the amendment, as follows:

No person who shall attain the age of twenty-one years after the first day of January, eighteen hundred and seventy-two, or who shall come into the State after that day, shall be allowed to vote until he can read and write.

And second, upon the second sentence, as follows:

No elector shall be permitted to vote at any election who shall not have paid the taxes due by him to the State at the time he offers to vote.

The question recurring upon the first part of the amendment, it was lost—ayes 8, nays 56—as follows:

Yea: Barrett, Cooley, Crawford, Dearing, Ferguson, McMillen, Snider, Waples—8 yeas.

Nays: Antoine, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Deslonde P. G., Donato, Douglass, G. Duparte, Dulessis, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Lange, Marie, Martin, Massicot, Meadows, Moses, Mushaway, Newsham, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riard, Riggs, Rodriguez, Smith, Snaer, Scott, Thibaut, Tinchant, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—56 nays.

The question recurring upon the second part of the amendment, it was lost—ayes 18, nays 48—as follows:

Yea: Barrett, Bonnefoi, Brown, Cooley, Crawford, Dearing, P. G. Deslonde, Dulessis, Ferguson, T. Isabelle, R. Lewis, Moses, Mushaway, Pinchback, Riard, Smith, Snider, Waples—ayes 18.

Nays: Antoine, Belden, Bertonneau, Blandin, Bonseigneur, Burrel, Butler, Crane, Cromwell, Donato, Douglass, G. Duparte, U. Dupart, Esnard, Francois, Gair, Gardiner, Guichard, Harris, Hiestand, Ingraham, R. H. Isabelle, Jones, Kelso, Lange, Marie, Martin, Massicot, Meadows, McMillen, Newsham, Packard, Pierce, Poindexter, Pollard, Reagan, Riggs, Rodriguez, Snaer, Scott, Thibaut, Tinchant, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—nays 48.

Mr. Crawford moved to amend by striking out the words "those under interdiction."

Laid on the table.

Mr. Bertonneau moved to amend by adding "who have paid their poll tax."

Laid on the table.

Mr. Lange moved to amend by striking out the words "disfranchised by this Constitution," and inserting "those disfranchised by the Congress of the United States."

Laid on the table.

The previous question was demanded, and the question recurring upon the original motion to adopt article 107, as amended by the motion of Mr. Ingraham, the article reading as follows:

ART. 97. Every male person of the age of 21 years or upwards, born or naturalized in the United States and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last sixty days within the Parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this Constitution, and persons under interdiction.

Was adopted—ayes 35, nays 31—as follows :

Yea: Antoine, Belden, Blandin, Brown, Burrel, Butler, Cromwell, Douglass, Gair, Gardiner, Harper, Harris, Hiestand, Ingraham, R. H. Isabelle, Jones, Kelso, R. Lewis, Martin, Massicot, Meadows, Moses, Packard, Pierce, Pinchback, Poindexter, Pollard, Schwab, Snaer, Scott, Tinchant, Twitchell, Wickliffe, Williams, Wilson—35 ayes.

Nays: Barrett, Bertonneau, Bonnefoi, Cooley, Crane, Crawford, Dearing, Demarest, P. G. Deslonde, Donato, G. Duparte, Duplessis, Esnard, Francois, Fuller, Ferguson, Guichard, Thos. Isabelle, Lange, Ludeking, Marie, McMillen, Mushiaway, Reagan, Reese, Riard, Riggs, Rodriguez, Thibaut, Valfroit, Vidal—nays 31.

Mr. Tinchant sent to the Secretary the following reasons for his vote :

Although I am opposed to the words “disfranchised by this Constitution,” contained in the proposed substitute, I shall vote in the affirmative for the adoption of the article.

Mr. McMillen was called to the chair.

Mr. Packard moved to amend article 96, majority report, by striking out all after the word “article,” and inserting:

The following persons shall be prohibited from voting or from holding any office of honor, trust or profit in this State, to wit :

All persons who having previously taken an oath as a member of Congress or as an officer of the United States or of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. The words “executive and judicial officers” shall be held to include

all State, parish and municipal officers provided by law.

All persons who shall have been convicted of treason, perjury, forgery, bribery or other crimes punishable by imprisonment at hard labor.

All paupers and persons under interdiction.

All leaders or officers of guerilla bands during the late war or rebellion.

Those who during the rebellion inflicted or caused to be inflicted any cruel or unusual punishment upon any soldier, sailor, marine, employee or citizen of the United States, or who in any other way violated the rules of civilized warfare.

Members of the Secession Convention who voted for or signed the Ordinance of Secession; *Provided*, The General Assembly, by a two-thirds vote of each House, remove such disability.

Mr. Cooley moved to amend the amendment by striking out all after the word “article,” and inserting:

The following persons only shall be excluded from the exercise of the elective franchise in the State, viz: The President and Vice-President of the late so-called Confederate States; members of the Cabinet, of the Congress, and diplomatic agents of the said so-called Confederate States; Governors of the several States lately in rebellion; all who were educated at the expense of the United States, either at the Military or Naval Academy, and subsequently aided and assisted to rebellion; and all officers of the army of the late so-called Confederate army, above the grade of Brigadier General. All those who may be adjudged guilty of treason, bribery, forgery and such other crime as, under the laws of the State, is punishable by imprisonment at hard labor in the State Penitentiary.

Pending its consideration, the Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### FORTY-SEVENTH DAY.

NEW ORLEANS, Friday, Jan. 24, 1868.

The Convention met pursuant to adjournment, and was called to order by Mr. McMillen, in the absence of the President.

The roll was called and the following members answered to their names:

Messrs. Baker, Barrett, Belden, Blackburn, Blandin, Bonnefoi, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, G. Duparte, U. Dupart, Duplessis, Fran-

ois, Fuller, Ferguson, Gair, Gardiner, Guichard, Harris, Harrison, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Lange, Leroy, J. B. Lewis, Lewis, Ludeling, Marie, Martin, Meadows, McLeran, McMillen, Morris, Moses, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reese, Riard, Riggs, Rodriguez, Smith, Snaer, Scott, Snider, Steele, Twitchell, Underwood, Valfroit, Undergriff, Wickliffe, Williams, Wilson—members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Pierce:

*Resolved*, That there be neither more or less disfranchised than those that Congress has disfranchised.

Lies over.

#### UNFINISHED BUSINESS.

Mr. Cooley's amendment to the substitute of Mr. Packard for article 96, majority report, being in order.

Mr. Smith moved to amend by inserting "registered enemies."

Laid on the table.

Mr. Crane moved to amend by striking out "elective franchise," and inserting "the right of holding office."

The President resumed the chair.

Mr. McMillen moved to lay the amendment of Mr. Crane on the table.

Adopted—ayes 58, nays 14—as follows:

Yeas: Antoine, Baker, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Cramer, Cromwell, Cuney, P. G. Deslonde, Duparte, U. Dupart, Duplessis, Esnard, Guicois, Gair, Guichard, Harper, Harris, Ingraham, R. H. Isabelle, Jones, Iso, Lange, Leroy, R. Lewis, Ludeling, Marie, Martin, Meadows, McLeran, McMillen, Morris, Moses, Newsham, Packard, Pierce, Poindexter, Pollard, Reagan, Riard, Riggs, Rodriguez, Smith, Scott, Steele, Thibaut, Tinchant, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—58 ayes.

Nays: Barrett, Bonnefoi, Burrel, Cooley, Cune, Crawford, Dearing, Donato, Douglass, Thos. Isabelle, Mushaway, Myers, Vaberts, Vidal—14 nays.

Mr. Rodriguez moved to lay the amendment of Mr. Cooley on the table.

Adopted.

Mr. Newsham moved to amend the amendment of Mr. Packard by striking out after the word "article" and inserting:

No person excluded under the provisions of the Military Reconstruction bill of Congress, or who refused to accept the privileges granted by said act, or registered himself as an enemy of the United States Government, shall hereafter be entitled to vote or be eligible to any office of trust or profit in this State.

Laid on the table.

Mr. Wickliffe moved to amend the substitute of Mr. Packard by striking out all after the word "article," and inserting:

ARTICLE — No person shall vote or hold any office of trust or profit under the State, either by election or appointment, who is rendered incapable of holding office by the third section of the fourteenth constitutional amendment, passed June 13, 1866, and who has been excluded from the privilege of voting in this State by virtue of the fifth and sixth sections of the Reconstruction Act of Congress, entitled "An act to provide for the more efficient governments of the rebel States," passed March 2, 1867, and also by virtue of the first section of the Supplementary Act of Congress to said bill, passed March 23, 1867; *Provided*, That the General Assembly of this State may, by a two-thirds vote of both Houses remove such disability in regard to the right of franchise, in individual cases where returning loyalty to the General Government is satisfactorily shown.

Mr. Pinchback was called to the chair.

Mr. Cooley moved to amend the amendment of Mr. Wickliffe by striking out the words after "appointment who," in the 3d line, to the word "provided," in the 12th line, and inserting "all persons who shall have been convicted of treason, perjury, forgery, bribery, or other crimes punishable by imprisonment at hard labor, and persons under interdiction."

On motion, the Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### FORTY-EIGHTH DAY.

NEW ORLEANS, Saturday, Jan. 25, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Barrett, Berthonneau, Blandin, Brown,

Cooley, Crane, Crawford, Cuney, Dearing, Depasseau, P. G. Deslonde, Donato, G. Du-parte, U. Dupart, Duplessis, Esnard, François, Ferguson, Gair, Gardiner, Gui-chard, Harper, Harris, Harrison, Hemp-stead, T. Isabelle, Jones, Kelso, Landers, Lange, J. B. Lewis, R. Lewis, Ludeling, Marie, Moses, Murel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinch-back, Poindexter, Pollard, Reagan, Riggs, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—62 members present.

The minutes were read and adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

#### SPECIAL COMMITTEES.

The special committee to whom was referred the bill of the Gas Company, through Mr. Bertonneau, Chairman, submitted the following report :

To the President and members of the Constitutional Convention of the State of Louisiana:

GENTLEMEN—Your committee appointed to investigate the bill of the Gas Light Company beg leave to submit the following report :

After due consideration of the matter, they respectfully recommend the payment of said bill by the Convention.

[Signed.]

A. BERTONNEAU,  
DR. J. B. LEWIS,  
D. DOUGLAS.

Which was received and the bill ordered to be paid.

Mr. Cooley presented a bill for coal furnished the Convention, which was ordered to be paid.

Mr. Harper called up his resolutions lying over from January 23, as follows:

*Resolved*, That the State Treasurer be hereby authorized to pay no money from the treasury, received by him in pursuance of the ordinance adopted by this Convention December 24, 1867, to defray its expenses herein provided,

*Resolved*, That whenever so ordered, the State Treasurer shall inform the Convention of the amount of money raised in pursuance of the above mentioned ordinance, and that when this amount of money is so ascertained, the Warrant Clerk shall forthwith issue or endorse warrants of equal amounts of money to each member, officer or employee of the Convention. Said warrants to be endorsed "special

warrants," which warrants shall be paid on presentation, by the Treasurer of State.

*Resolved*, That when the Constitution, to be adopted by this Convention, shall be submitted to the people for ratification, these resolutions shall be null and void.

*Resolved*, That a copy of these resolutions be immediately furnished to the State Treasurer for his information and guidance.

Which was laid on the table.

The following communication from the Hon. H. Peralta, Auditor of State, was received:

Hon. J. G. Taliaferro, President of the State Convention:

SIR—In answer to a resolution inquiring from me the amount of tax received for the benefit of the Convention and to whom any portion of the same has been paid.

I beg to answer that,

The First District has paid.....	\$231 62
The Second District has paid.....	107 87
The Third District has paid.....	167 00
The Fourth District has paid.....	18 54
The Parish of Jefferson has paid.....	61 97

Total received..... \$587 00

And that the following amounts have been paid:

To Hon. W. H. Cooley.....	\$290 00
To Hon. H. Bonseigneur.....	70 00
To Hon. E. Tinchant.....	165 00

Total..... \$525 00

Balance remaining unpaid.... \$62 00

Respectfully, H. PERALTA.

Mr. Harper moved to take up his resolution from the table.

Lost.

#### UNFINISHED BUSINESS.

Mr. Cooley's amendment to the substitute of Mr. Wickliffe for Mr. Packard's motion was under consideration.

Mr. Belden was called to the chair.

At 4 p. m. the Convention adjourned until Monday at 10 A. M.

A true copy:

WM. VIGERS, Secretary,

#### FORTY-NINTH DAY.

NEW ORLEANS, Monday, Jan. 27, 1868.  
The Convention met pursuant to adjournment and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barrett, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Cuney, Dearing, Depasseau, Donato, Dupart U., Gair, Guichard, Harter, Harris, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Kelso, Landers, Leroy, Lewis J. B., Lewis R., Ludeling, Marie, Martin, Meadows, McLeran, Morris, Moses, Mushaway, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Roberts, Rodriguez, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—62 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. W. L. McMillen:

*Resolved*, That two hundred copies of the ordinance of January 4, 1868, and all subsequent ordinances and resolutions regulating the collection and disposition of the special tax to defray the expenses of this convention be printed for distribution to the Sheriffs and tax collectors of the State.

Mr. McMillen moved to suspend the rules to put the resolution upon its final assage.

Adopted.

And the resolution was adopted.

By Mr. McMillen:

*Be it ordained by the Constitutional Convention of the State of Louisiana*, That the collectors of the parishes of Orleans and Jefferson be authorized to refund to the persons who have already paid the penalty fixed by virtue of section third of the ordinance adopted on the 4th of January, 1868, have the amount of the penalty reduced.

The rules were suspended and the resolution was adopted.

The Secretary was instructed to furnish copies of the resolution immediately to the auditor of Public Accounts.

By Mr. Cromwell:

WHEREAS, Congress, by special enactments passed March 2, 1867, and March 23, 1867, and all the supplements thereto, for the more efficient governments of the rebel States, and by said acts certain persons are prohibited from voting or holding office under said acts passed March 2, and 23, 1867, and the supplements thereto; therefore, we the people of Louisiana in Convention assembled, to frame a Constitution and civil government, do ordain, establish

and declare, that no person, that was prohibited and denied the right to vote for members or delegates to this Convention, by reasons of such persons having voluntarily taken an *oath* to support and defend the so-called Confederate States of America, are declared to be *ALIENS* by this Convention. But the General Assembly may, by a vote of two-thirds of each House, remove such disability.

Lies over.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Enrollment—No report.

Committee on Contingent Expenses—No report.

#### UNFINISHED BUSINESS.

The amendment of Mr. Cooley, to the substitute of Mr. Wickliffe, to Mr. Packard's motion, being under consideration.

Mr. Burrel moved to lay it on the table.

Adopted—ayes 34, nays 33—as follows:

Yea: Belden, Brown, Burrel, Cromwell, Jos. Deslonde, Francois, Gair, Gardiner, Harper, Harris, Hempstead, R. H. Isabelle, Jones, Leroy, R. Lewis, Marie, Meadows, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Scott, Snider, Vidal, Waples, Wickliffe, Wilson—34 nays.

Nays: Baker, Barrett, Bertronneau, Blandin, Bonnefoi, Butler, Cooley, Crane, Crawford, Dearing, Damarest, Depasseau, Douglas, U. Dupart, Duplessis, Fuller, Harrison, Ingraham, Thos. Isabelle, Kelso, Ludeling, Lynch, McMillen, Mushaway, Myers, Riard, Biggs, Rodriguez, Smith, Steele, Tinchant, Vandergriff, Williams—33 nays.

Mr. McMillen moved to amend the substitute of Mr. Wickliffe by striking out all after the word “article,” and inserting the following:

ART. —. The following persons shall be prohibited from voting or holding any office of honor, trust or profit in this State, to wit: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable by imprisonment at hard labor; all paupers and persons under interdiction; and all leaders or officers of guerilla bands during the late war or rebellion, and all persons who, during the rebellion, inflicted or caused to be inflicted any cruel or unusual punishment upon any soldier, sailor, marine, employee or citizen of the United States, or who in any other way violated the rules of civilized warfare. No person shall hold any office, civil or military, under this State, who, having previously taken an oath as a mem-

ber of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But the Legislature may, by a vote of two-thirds of each House, remove such disability.

Which was laid on the table—ayes 38, nays 33—as follows:

Yea: Bonnefoi, Brown, Burrel, Butler, Crawford, Cromwell, Dearing, Demarest, J. Deslonde, U. Duparte, Francois, Fuller, Gardiner, Harper, Harris, Hempstead, R. H. Isabelle, Jones, Lange, Ludeling, Marie, Martin, Moses, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Riggs, Scott, Tinchant, Vidal, Waples, Wickliffe, Williams, Wilson—38 ayes.

Nay: Antoine, Baker, Barrett, Belden, Bertonneau, Blackburn, Blandin, Cooley, Crane, Depasseau, Douglas, Duplessis, Gair, Ingraham, T. Isabelle, Kelso, Leroy, Lynch, Meadows, McLeran, McMillen, Morris, Murrel, Mushaway, Newsham, Reese, Riard, Rodriguez, Smith, Snider, Steele, Thibaut, Vandergiff—33 nays.

Mr. Barrett was called to the chair.

Mr. Hempstead moved to reconsider the vote last taken.

Lost.

Mr. Cooley moved to take up from the table his amendment.

Adopted.

Mr. Cooley moved to adopt the amendment and the previous question was demanded by a majority of the delegates.

Mr. Tinchant moved to reconsider the demand for the previous question.

The Chair decided that such a motion was not in order.

Mr. Ludeling appealed.

The Chair was not sustained.

The question upon the reconsideration of the demand for the previous question being put to a vote, it was lost.

Mr. Tinchant moved to lay the amendment of Mr. Cooley on the table.

Lost—ayes 31, nays 47—as follows:

Ayes: Brown, Burrel, Butler, Cromwell, Francois, Gair, Gardiner, Harper, Harris, R. H. Isabelle, Jones, Lange, Leroy, R. Lewis, Marie, Martin, Morris, Moses, Murrel, Newsham, Packard, Pierce, Poindexter, Pollard, Reagan, Schwab, Scott, Un-

derwood, Wickliffe, Williams, Wilson—31 ayes.

Nay: Antoine, Baker, Barrett, Bertonneau, Blackburn, Blandin, Bonnefoi, Cooley, Crane, Crawford, Dearing Demarest, Depasseau, Jos. Deslonde, Donato, Douglas, U. Dupart, Duplessis, Fuller, Ferguson, Guichard, Harrison, Hempstead, Ingraham, Thos. Isabelle, Kelso, Landers, Ludeling, Lynch, Massicot, Meadows, McLeran, McMillen, Mushaway, Myers, Reese, Riard, Riggs, Rodriguez, Smith, Snaer, Snider, Steele, Thibaut, Tinchant, Twitchell, Vidal—47 nays.

Mr. Crane was called to the chair.

The question recurring upon the motion to adopt Mr. Cooley's amendment, it was lost—ayes 40, nays 41—as follows:

Ayes: Antoine, Baker, Barrett, Bertonneau, Blackburn, Bonnefoi, Cooley, Crane, Crawford, Dearing, Demarest, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, Douglas, Duplessis, Fuller, Ferguson, Guichard, Harrison, Hempstead, Thos. Isabelle, Kelso, Ludeling, Lynch, Massicot, McLeran, McMillen, Mushaway, Myers, Riard, Riggs, Rodriguez, Smith, Snaer, Snider, Steele, Thibaut, Tinchant, Twitchell—40 ayes.

Nay: Belden, Blandin, Brown, Burrel, Butler, Cromwell, Dupart U., Francois, Gair, Gardiner, Harper, Harris, Hiestand, Ingraham, R. H. Isabelle, Jones, Landers, Lange, Leroy, R. Lewis, Marie, Martin, Meadows, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Schwab, Scott, Underwood, Vidal, Wickliffe, Williams, Wilson—41 nays.

Mr. Tinchant moved to amend the original motion of Mr. Packard, by striking out all after the word "rebellion," and inserting:

The following persons shall be prohibited from voting or from holding any office of honor, trust or profit in this State, to-wit: All persons who shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment at hard labor; all paupers and persons under interdiction; and all leaders or officers of guerilla bands during the late war or rebellion.

The Chair decided the motion not in order.

Mr. Tinchant appealed.

The Chair was sustained.

Mr. McMillen moved to amend the substitute of Mr. Wickliffe by striking out all after the word "article," and inserting:

The following persons shall be prohibited from voting or from holding any office of honor, trust, or profit in this State, to wit: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable by imprisonment at hard labor; all paupers and persons under interdiction, and all leaders of guerrilla bands during the late war or rebellion; all persons who during the rebellion inflicted or caused to be inflicted any cruel or unusual punishment upon any soldier, sailor, marine, employee, or citizen of the United States, or who in any other way violated the rules of civilized warfare, and members of the Secession Convention who voted for or signed the ordinance of secession. No person shall hold any office, civil or military, under this State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But the Legislature may, by a vote of two-thirds of each House, remove such disability.

On motion, the Convention adjourned until to-morrow at 10 A. M.

A true copy :

WM. VIGERS, Secretary.

#### FIFTIETH DAY.

NEW ORLEANS, Tuesday, Jan. 28, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 10 o'clock A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Barber, Barrett, Blackburn, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cromell, Cuney, Dearing, Demarest, Depasseau, Donato, U. Dupart, Duplessis, Francois, Ferguson, Gair, Gardiner, Gould, Richard, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Lange, Leroy, J. B. Lewis, Richard Lewis, Ludeling, Marie, Martin, Massicot, McLeran, Morris, Moses, Murrel, Myers, Oliver, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Snaer, Scott, Snider, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—69 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### REPORTS OF STANDING COMMITTEES.

Committee on Printing—No report.

Committee on Eurollment—No report.

Committee on Contingent Expenses—No report.

#### UNFINISHED BUSINESS.

Mr. Smith was called to the chair.

The amendment of Mr. McMillen, being under consideration.

Mr. Gair moved to lay it on the table.

Adopted—ayes 63, nays 9—as follows:

Yea: Barrett, Bertonneau, Blackburn, Burrel, Butler, Cooley, Crawford, Cromwell, Cuney, Demarest, Donato, G. Du parte, Duplessis, Esnard, Francois, Gair, Gardiner, Gould, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, Isabelle T., Isabelle R. H., Jones, Landers, Lange, Leroy, Lewis, Ludeling, Marie, Martin, Meadows, Morris, Moses, Murrel, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—63 yeas.

Nay: Antoine, Baker, Blandin, Crane, Dearing, Lynch, McMillen, Riard, Steele—9 nays.

Mr. Blackburn moved to amend the amendment of Mr. Wickliffe by striking out all after the word “article,” and inserting:

The following persons shall be prohibited from voting or from holding any office of honor, trust or profit in this State, to-wit: All persons who shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment at hard labor; all paupers and persons under interdiction; and all persons proscribed by existing acts of Congress or by the pending amendment to the Constitution of the United States, known as the 14th article; who shall be known to have favored the secession of this State or any other State. The truth of which shall be ascertained by a direct oath, to be administered to such persons by the Commissioners of Election in all cases of doubt; and any person on taking such oath falsely, shall be subject to the pains and penalties of perjury; *Provided*, the Legislature may, by a two-thirds vote of each House, remove such disability.

The President resumed the chair.

Mr. Moses moved to lay the amendment of Mr. Blackburn on the table.

Adopted—ayes 59, nays 20—as follows:

Yea: Antoine Barrett, Beronneau, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cuney, Dearing, Demarest, U. Dupart, Duplessis, Esnard, Gardiner, Gould, Harper, Harris, Harrison, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Leroy, R. Lewis, Ludeling, Lynch, Marie, Martin, Massicot, McLeran, McMillen, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Poindexter, Pollard, Riard, Riggs, Rodriguez, Smith, Snider, Steele, Tinchant, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—59 ayes.

Nays: Baker, Belden, Blackburn, Blandin, Cromwell, Donato, Douglas, Francois, Gair, Landers, Lange, Meadows, Pierce, Reagan, Reese, Scott, Thibaut, Twitchell, Underwood, Waples—20 nays.

Mr. Martin recorded the reasons of his vote as follows:

Although I am opposed to disfranchisement contained in the proposed substitute, I shall vote in the affirmative for the adoption of the article.

Mr. Tinchant recorded the reasons for his vote as follows:

Being decidedly opposed to disfranchisement for past political offenses, my vote will be always against any proposition by which even the smallest possible number of citizens would be disfranchised, for that reason.

The question recurring upon the amendment of Mr. Wickliffe, the previous question was demanded and the amendment was lost.

Ayes 39, nays 40—as follows:

Yea: Burrel, Butler, Cromwell, U. Dupart, Francois, Gair, Gardiner, Harper, Harris Hempstead, Hiestand, Ingraham, R. H. Isabelle, Jones, Lange, Leroy, R. Lewis, Marie, Martin, Massicot Meadows, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Scott, Underwood, Valfroit, Wickliffe, Williams, Wilson—38 nays.

Nays: Antoine, Baker Barrett, Belden, Beronneau, Blackburn, Blandin, Bonnefoi, Cooley, Crane, Crawford, Cuney, Dearing, Demarest, Donato, Douglas, Duplessis, Esnard, Gould, Harrison, Thos. Isabelle, Kelso, Landers, Ludeling, Lynch, McLeran, McMillen, Mushaway, Myers, Riard, Riggs, Rodriguez, Smith, Snider, Steele, Thibaut, Tinchant, Twitchell, Vidal, Waples—40 nays.

The question recurring upon the amendment of Mr. Packard.

It was lost—ayes 31, nays 48—as follows:

Yea: Burrel, Butler, Cromwell, U. Dupart, Francois, Gardiner, Harper, Harris, Hempstead, Hiestand, R. H. Isabelle, Jones, Landers, Lange, Leroy, Marie, Massicot, Meadows, Morris, Murrel, Newsham, Packard, Pierce, Poindexter, Pollard, Scott, Steele, Valfroit, Waples, Wickliffe, Williams—31 ayes.

Nays: Antoine, Baker, Barrett, Belden Beronneau, Blackburn, Blandin, Bonnefoi, Cooley, Crane, Crawford, Cuney, Dearing Damarest, Donato, Douglas, Duplessis, Esnard, Gair, Gould, Guichard, Harrison, In graham, T. Isabelle, Kelso, R. Lewis, Lude ling, Lynch, Martin, McLeran, McMillen Moses, Mushaway, Myers, Oliver, Reagan Reese, Riard, Riggs, Rodriguez, Smith Snider, Thibaut, Tinchant, Twitchell, Un derwood, Vandergriff, Vidal—48 nays.

Mr. McMillen moved to adopt article 9 majority report, accepting an amendment of Mr. Jones to strike out the word “papers,” and the article, as amended, reading as follows :

ART. 98. The following persons shall be prohibited from voting or holding an office of honor, trust or profit in this State to wit: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable by imprisonment at hard labor; all person under interdiction, and all leaders of officers of guerilla bands during the late war or rebellion. The following persons are prohibited from voting or from holding any office of honor, trust or profit in this State until after the first of January one thousand eight hundred and seventy eight, to wit: All persons who, before the first of June, one thousand eight hundred and sixty-one, held the office of Vice President, Secretary of State, Secretary of War, Secretary of the Interior, Secretary of the Treasury, Postmaster General or Attorney General of the United States, diplomatic agents of the United States, members of Congress, Judges of the Supreme, circuit and district courts of the United States Governors and Lieutenant Governors of this State or of other States, Judges of the Supreme and district courts of this State, Judges of the courts of last resort of other States, members of the Legislature of this State since the adoption of the Constitution of 1852, who approved or encouraged the secession of this State, members of secession conventions who voted for or signed the Ordinance of Secession, and commissioned officers of the army and navy of the United States, who at any time engaged in the late rebellion; *Provided*, the Legis

ture may, by a two-thirds vote of each House, remove such disability.

Was adopted—ayes 44, nays 35, as follows:

Yea: Antoine, Baker, Barrett, Belden, Blandin, Bonnefoi, Cooley, Crawford, Cunney, Dearing, Donato, Douglas, U. Dupart, Gair, Gould, Guichard, Harris, Garrison, Hempstead, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Landers, Leroy, Ludeling, Lynch, Massicot, McLeran, McMillen, Murrel, Mushaway, Myers, Pollard, Reese, Riard, Riggs, Steele, Thibaut, Twitchell, Vandergriff, Waples—44 ayes.

Nays: Bertonneau, Blackburn, Burrel, Butler, Crane, Cromwell, Demarest, Dulessis, Esnard, Francois, Gardiner, Harper, Lange, R. Lewis, Marie, Martin, Meadows, Morris, Moses, Newsham, Oliver, Packard, Pierce, Poindexter, Reagan, Rodriguez, Smith, Scott, Snider, Tinchant, Underwood, Valfroit, Williams, Vidal, Wickliffe—35 nays.

The following members submitted for record the following explanation of their vote:

MECHANICS' INSTITUTE, January 28, 1868.

We voted for the 96th article, because we believe it is the most liberal proposition this Convention will favor. We prefer universal amnesty.

JOHN T. LUDELING,  
of Ouachita and Caldwell,  
JOHN L. BARRETT,  
Union parish,  
THOS. P. HARRISON,  
Morehouse parish,  
JOHN LYNCH,  
of Carroll parish,  
W. H. COOLEY,  
Pointe Coupee.  
JOHN B. VANDERGRIFF,  
St. Martin.  
HENRY W. FULLER,  
of Avoyelles.

Mr. Snider recorded the following reasons for his vote:

The undersigned most respectfully enters his protest against the 98th article of this Constitution, and would say with all respect that he is in favor of universal amnesty, and asks that his vote be recorded on the journal.

Mr. Meadows recorded the following reasons for his vote:

I do hereby vote for disfranchisement, because it behoves us as a Republican people to ratify the works of Congress of the United States.

By Mr. McMillen:

Article 97, majority report, reading as follows:

ART. 99. Members of the General Assembly, and all other officers, State, parish or municipal, shall, before they enter upon the duties of their offices, take the following oath or affirmation: "I (A B) do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my ability and understanding. So help me God."

Mr. Jones moved to amend by striking out the fifth to the thirteenth lines, inclusive, and inserting the third to the thirty-third lines of article 108, minority report, as follows:

Members of the General Assembly, and all other officers, State, parish or municipal, shall, before they enter upon the duties of their offices, take the following oath or affirmation: "I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have given no voluntary aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or Constitution within the United States, hostile or inimical thereto, and did not wilfully desert from the military or naval service of the United States, or leave this State to avoid the draft during the rebellion; and that I will support the Constitution and laws of the United States, and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding. So help me God."

Mr. Rodriguez was called to the chair.

Mr. Cooley moved to lay the amendment of Mr. Jones on the table. Adopted.

Mr. Hempstead moved to lay the motion of Mr. McMillen on the table. Lost.

Mr. Packard moved to amend by inserting in the 5th line after the word "affirm," the following:

That I accept the civil and political equality of all men, and agree not to attempt to deprive any person on account of

race, color or previous condition of any political or civil rights, privilege or immunity enjoyed by any other class of men.

The previous question was ordered, and the amendment was adopted—ayes 40, nays 23—as follows:

Yea: Belden, Berthonneau, Blandin, Cromwell, Depasseau, U. Durpart, Esnard, Francois, Gair, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jones, Landers, Lange, Leroy, R. Lewis, Marie, Meadows, McLeran, Moses, Murrel, Mushaway, Oliver, Packard, Pierce, Reagan, Riggs, Rodriguez, Schwab, Scott, Tinchant, Twitchell, Underwood, Vidal, Williams, Wilson—40 ayes.

Nays: Antoine, Baker, Barrett, Blackburn, Brown, Cooley, Crane, Crawford, Dearing, Douglas, Duplessis, Ferguson, Gould, Harrison, Thos. Isabelle, J. B. Lewis, Ludeling, Lynch, McMillen, Myers, Steele, Thibaut, Waples—23 nays.

The question recurring upon the motion to adopt article 97, as amended, reading as follows:

ART. 99. Members of the General Assembly, and all other officers, before they enter upon the duties of their offices shall take the following oath or affirmation: I (A B) do solemnly swear (or affirm) that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men; that I will support the Constitution and laws of the United States, and the Constitution and laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my ability and understanding. So help me God.

Was adopted—ayes 48, nays 19—as follows:

Yea: Antoine, Belden, Berthonneau, Blandin, Brown, Burrel, Cromwell, Depasseau, U. Dupart, Esnard, Francois, Gair, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jones, Landers, Lange, Leroy, R. Lewis, Marie, Martin, Meadows, McLeran, McMillen, Moses, Mushaway, Murrel, Myers, Oliver, Packard, Pierce, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Scott, Tinchant, Underwood, Valfroit, Wickliffe, Williams, Wilson—48 ayes.

Nays: Baker, Barrett, Blackburn, Cooley, Crane, Crawford, Dearing, Douglas, Duplessis, Ferguson, Gould, Harrison, Thos. Isabelle, J. B. Lewis, Ludeling, Lynch, Steele, Twitchell, Waples—19 nays.

By Mr. McMillen:

Article 98, majority report, reading as follows:

Treason against the State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

Mr. Hempstead moved to amend by adding:

Persons who served three years or more as officers above the grade of colonel in the Confederate army, or above the grade of lieutenant in the Confederate navy, shall not be permitted to vote or hold office; but such a person may relieve himself from this prohibition by filing in the office of the Secretary of State a voluntary statement that he regrets having aided and abetted the enemy of his country.

Mr. McMillen raised the point of order that the amendment was not in order.

The Chair so ruled.

Mr. Hempstead appealed.

The Chair was sustained.

The article, as reported, was adopted.

On motion the Convention adjourned until to-morrow at 10 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

#### FIFTY-FIRST DAY.

NEW ORLEANS, Wednesday, Jan. 29, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called, and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Barrett, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Butler, Cromwell, Dearing, Demarest, Depasseau, P. G. Deslonde, U. Dupart, Duplessis, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harris, Harrison, Hempstead, Ingraham, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Ludeling, Marie, Martin, Meadows, McLeran, Moses, Murrel, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Wickliffe, Williams, Wilson—60 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

## ORIGINAL RESOLUTIONS.

By Mr. Packard:

*Resolved*, That a committee of three be appointed by the President to wait upon Major General W. S. Hancock and confer with him in relation to the steps necessary to be taken for the purpose of holding an election for executive, judicial and legislative officers and members of Congress, on the same day on which the Constitution is submitted to the people for ratification, to ascertain if he will co-operate in the action of this Convention in relation to that latter.

The rules were suspended and the resolution laid on the table.

Mr. E. Bonnefoi explained his vote:

I voted for the 96th article, because I believe it is the most liberal proposition this convention will favor. I prefer universal amnesty.

## UNFINISHED BUSINESS.

By Mr. Meadows:

Article 99, majority report, reading as follows:

ART. 101. All penalties shall be proportioned to the nature of the offense.

Which was adopted.

By Mr. Gair:

Article 100, majority report, as follows:

ART. 102. The privilege of free suffrage all be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

Adopted.

By Mr. Gair:

Article 101, majority report, as follows:

ART. 103. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; a statement and account of receipts and expenditures of public moneys shall be made annually in such manner as shall be prescribed by law.

Mr. Blackburn moved to amend by adding:

And the first Legislature convening under this Constitution shall make a special appropriation to liquidate whatever portion of the debt of this Convention may at that time remain unpaid or unprovided for.

The amendment was agreed to and the article as amended, and reading as follows, was adopted:

ART. 103. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; a statement

and account of receipts and expenditures of all public moneys shall be made annually in such manner as shall be prescribed by law. And the first Legislature convening under this Constitution shall make a special appropriation to liquidate whatever portion of the debt of this Convention may at that time remain unpaid or unprovided for.

By Mr. Berthonneau:

Article 102, majority report, as follows:

ART. 104. All civil officers of the State at large shall be voters of and reside within the State, and all district or parish officers shall reside within their respective districts or parishes, and shall keep their offices at such place therein as may be required by law.

Adopted.

By Mr. Oliver:

Article 103, majority report, as follows:

ART. 105. All civil officers shall be removable by an address of two-thirds of the members elect to each House of the General Assembly, except those whose removal is otherwise provided for by this Constitution.

Mr. Crane moved to amend by striking out "two-thirds," and inserting "majority."

Laid on the table.

The article, as reported, was adopted.

By Mr. Oliver:

Article 104, majority report, as follows:

ART. 106. In all elections by the people the vote shall be taken by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

Adopted.

By Mr. Gair:

Article 105, majority report, as follows:

ART. 105. No member of Congress or person holding or exercising any office of trust or profit under the United States, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under this State.

Mr. Twitchell moved to amend by adding "Postmasters."

The amendment and article were laid on the table.

By Mr. Hempstead:

Article 106, majority report, as follows:

ART. 107. None but citizens of the United States and of this State shall be ap-

pointed to any office of trust or profit in this State.

Adopted.

By Mr. Lynch:

Article 107, majority report, reading as follows:

ART. 108. The laws, public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the English language.

Was adopted.

By Mr. Tinchant:

Article 116, minority report.

Laid on the table.

By Mr. Hempstead:

Article 108, majority report, as follows:

ART. 109. No power of suspending the laws of this State shall be exercised except by the General Assembly.

Adopted.

By Mr. Underwood:

Article 109, majority report, as follows:

ART. 110. No *ex post facto* or retroactive law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility and for adequate compensation previously made.

Adopted.

By Mr. Oliver:

Article 110, majority report, as follows:

ART. 111. Whenever the General Assembly shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, it shall in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due, and the said law shall be irrepealable unless principal and interest be fully paid, or unless the repealing law contains some adequate provision for the payment of the principal and interest of the debt.

Adopted.

By Mr. Gair:

Article 111, majority report, as follows:

ART. 112. The General Assembly shall provide by law for all change of venue in civil and criminal cases.

The article as reported was adopted.

By Mr. Underwood:

Article 112, majority report, as follows:

ART. 113. The General Assembly may enact general laws regulating the adoption

of children, emancipation of minors and the granting of divorces; but no specific law shall be passed relating to particular individual cases.

Adopted.

By Mr. Oliver:

Article 113, majority report, as follows:

ART. 114. Every law passed by the General Assembly shall embrace but one object and that shall be expressed in the title.

Adopted.

By Mr. Gair:

Article 114, majority report, as follows:

ART. 115. No law shall be revived amended by reference to its title; but such case the revived or amended section shall be re-enacted and published at length.

Adopted.

Mr. Ingraham was called to the chair.

By Mr. Blandin:

Article 115, majority report, as follows:

ART. 116. The General Assembly shall never adopt any system or code of laws in general reference to such system or code laws; but in all cases shall specify the several provisions of the law it may enact.

The article as reported was adopted.

By Mr. Blandin:

Article 116, majority report, as follows:

ART. 117. No person shall hold or exercise, at the same time, more than one office of trust or profit except that of justice of the peace or notary public.

Adopted.

By Mr. Gair:

Article 117, majority report :

Mr. Hiestand moved to strike out after the word "law," in the fifth line, all the word "purposes," inclusively, and insert in lieu thereof "no property shall exempt from taxation, except such as is the actual necessary use for religious charitable purposes."

Laid on the table.

Mr. Meadows moved to strike out after the word "dollar," in the 19th line

Lost.

Mr. Jones moved to insert after the words "business done," "and all deeds sales made or that may be made by collectors of taxes, shall be received by courts evidence as *prima facie* valid sales."

Adopted.

Mr. Cooley moved to amend by inserting in place of the foregoing, the followin

ll deeds of sales made by the Sheriffs or  
ix collectors in the State, shall be received  
*prima facie* evidence of the observance  
y said officers of the formalities required  
y law in sales for taxes.

Lost.

The article, as amended, and reading as  
llows :

**ART. 118.** Taxation shall be equal and  
niform throughout the State; all proper-  
y shall be taxed in proportion to its value,  
o be ascertained as directed by law; the  
General Assembly shall have power to  
xempt from taxation property actually  
sed for church, school or charitable pur-  
oses. The General Assembly may levy  
n income tax upon all persons pursuing  
y occupation, trade or calling. And all  
uch persons shall obtain a license, as pro-  
ided by law. All tax on income shall be  
ro rata on the amount of income, or  
usiness done. And all deeds of sales  
ade or that may be made by collectors of  
axes, shall be received by courts as *prima  
acie* valid sales. The General Assembly  
hall levy a poll tax on all male inhabitants  
f this State, over twenty-one years old,  
or school and charitable purposes, which  
ax shall never exceed one dollar and fifty  
ents per annum.

Was adopted—ayes 33, nays 29—as fol-  
ows:

**Yeas:** Barrett, Belden, Butler, Demarest,  
P. G. Deslonde, U. Dupart, Fergu-  
on, Gair, Gardiner, Harrison, Hemp-  
stead, R. H. Isabelle, Jones, Leroy, Lude-  
ning, Marie, Meadows, Murrel, Myers,  
Poindexter, Pollard, Reese, Riard, Riggs,  
Rodriguez, Scott, Tinchant, Twitchell,  
Underwood, Valfrost, Wickliffe, Williams,  
Wilson—33 yeas.

**Nays:** Antoine, Baker, Berthonneau, Blan-  
lin, Bonnefoi, Cooley, Crane, Cromwell,  
Juney, Dearing, Duplessis, Esnard, Fran-  
cois, Gould, Ingraham, Thos. Isabelle,  
Landers, McLeran, Moses, Oliver, Pierce,  
Reagan, Roberts, Schwab, Snaer, Steele,  
Thibaut, Waples—29 nays.

Mr. Hempstead moved to suspend the  
rules to adopt the following resolution:

*Resolved*, That a committee of three be  
ppointed by the Chair to inquire in what  
manner \$3000 of the warrants issued to  
members of the Convention as *per diem*  
came into the hands of Thomas Askew,  
State Tax Collector for the First District of  
New Orleans, and paid to the Auditor by  
him this day.

The rules were suspended and the resolu-  
tion was adopted.

The Chair appointed on the Commit-  
tee Messrs. Hempstead, Antoine and Rea-  
gan.

Mr. Underwood moved to suspend the  
rules to adopt the following:

*Resolved*, That any person who shall  
offer to pay his tax with warrants issued  
by this Convention for the pay of mem-  
bers, shall endorse said warrants to that  
effect.

The rules were suspended and the resolu-  
tion was adopted.

Mr. Wickliffe called up his resolution  
lying over from January 6th, and moved to  
adopt, as an article of the Constitution.

**ART. —.** The Legislature shall pass no  
laws, nor shall any parochial or municipal  
corporation pass any ordinance discriminating  
by taxation or license between citizen  
residents and non-residents.

Pending its consideration the Convention  
adjourned till to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### FIFTY-SECOND DAY.

NEW ORLEANS, Thursday, Jan. 30, 1868.

The Convention met pursuant to adjourn-  
ment, and was called to order by the Presi-  
dent at 10 A. M.

The roll was called and the following  
members answered to their names:

President J. G. Taliaferro; Messrs. Baker,  
Barret, Berthonneau, Blandin, Bonnefoi,  
Brown, Burrel, Butler, Crane, Crawford,  
Cromwell, Cuney, Dearing, Demarest, De-  
passeau, Deslonde P. G., Dupart U.,  
Francois, Fuller, Gair, Gardiner, Gould,  
Guichard, Harris, Hempstead, Hiestand,  
Ingraham, Jones, Kelso, Landers, Lange,  
Lewis R., Lynch, Marie, Meadows, Mc-  
Leran, McMillen, Moses, Murrel, Myers,  
Oliver, Pierce, Poindexter, Pollard, Reagan,  
Reese, Riggs, Rodriguez, Scott, Snider,  
Steele, Thibaut, Twitchell, Underwood,  
Waples, Wickliffe, Williams, Wilson—60  
members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and approved.

#### ORIGINAL RESOLUTIONS.

By Mr. McMillen:

*Resolved*, That hereafter no delegate shall  
be allowed to speak more than ten minutes  
upon any subject under consideration,  
without the consent of two-thirds of the  
members of the House.

The rules were suspended to place the resolution upon its passage.

Mr. Moses moved to lay it on the table.

Lost.

The resolution was adopted.

By. Mr. Burrel:

*Be it resolved.* That the collectors of taxes of the different parishes be instructed to pay to the delegates of his parish the amount due on their warrants in lieu of paying to the State Treasurer.

*Resolved further,* That the State Treasurer shall receive the warrants of said delegates when endorsed by them and so accredit the said collector.

Lies over.

On motion of Mr. Smith, Mr. Bonseigneur was excused from attendance on account of sickness.

#### UNFINISHED BUSINESS.

The article proposed by Mr. Wickliffe being under consideration, it was rejected—ayes 22, nays 42—as follows:

Ayes: Cromwell, Demarest, Donato, U. Dupart, Gardiner, Guichard, Harper, Hiestand, Lange, J. B. Lewis, Marie, Martin, Massicot, Meadows, McLeran, Newsham, Pierce, Reese, Scott, Underwood, Wickliffe, Williams,—22 ayes.

Nays: Barrett, Beronneau, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, P. G. Deslonde, Douglas, Duplessis, Ferguson, Gair, Harris, Harrison, T. Isabelle, Jones, Leroy, R. Lewis, Ludeling, Lynch, McMillen, Moses, Myers, Oliver, Packard, Poindexter, Pollard, Reagan, Riard, Riggs, Rodriguez, Smith, Snaider, Snider, Steele, Thibaut, Twitchell, Waples—42 nays.

By Mr. Underwood:

Article 118, majority report, reading as follows:

ART. 119. None of the lands granted by Congress to the State of Louisiana for aiding in constructing the necessary levees and drains to reclaim the swamp and overflowed lands of the State, shall be diverted from the purpose for which they were granted.

Was adopted.

By Mr. Blandin:

Article 119, majority report, reading as follows :

ART. 120. No liability, either State, parochial or municipal, shall exist for any debts contracted for or in the interest of the rebellion against the United States Government.

Was adopted.

By Mr. Underwood :

Article 120, majority report, reading as follows :

ART. 121. The General Assembly may determine the mode of filling vacancies in offices for which provision is not made in this Constitution.

Was adopted.

By Mr. Blandin:

Article 121, majority report, reading as follows:

ART. 122. The General Assembly shall pass no law requiring a property qualification for office.

Was adopted.

By Mr. Hempstead:

Article 122, majority report, reading as follows:

ART. 123. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

Mr. Waples moved to amend by adding “except in cases of impeachment or suspension.”

Adopted.

The article, as amended, reading as follows:

ART. 123. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office, except in case of impeachment or suspension.

Was adopted.

By Mr. Gair:

Article 123, majority report, reading as follows:

ART. 124. The General Assembly shall provide for the protection of the rights of married women to their paraphernal property and for the registration of the same, but no mortgage or privilege shall hereafter affect third parties unless recorded in the parish where the property to be affected is situated. The tacit mortgages and privileges now existing in this State shall cease to have effect against third persons after the first day of January, one thousand eight hundred and seventy, unless duly recorded. The General Assembly shall provide by law for the registration of all mortgages and privileges.

Mr. Cooley moved to amend by striking out “from the 9th to the 14th line.”

Mr. Belden moved to postpone the further consideration of the article until tomorrow at 12 m.

Mr. Barrett moved to lay the motion to stpone on the table.

Adopted.

Mr. Barrett moved to lay the amend-  
ent of Mr. Cooley on the table.

Adopted.

The article, as reported, was adopted.

Mr. Cooley explained his vote on the  
option, as follows:

On the motion to adopt article  
3 of the majority report, I voted  
because I ccnsidered all that part  
it requiring tacit mortgages, already in  
istence, to be recorded on or before the  
January, 1870, in order to be valid, a  
lation of the Constitution of the United  
ites.

By Mr. Lynch:

Article 124, majority report, reading as  
lows:

ART. 125. The General Assembly at its  
st session under this Constitution shall  
vide an annual pension for the veterans  
1814 and 1815.

Mr. Tinchant moved to amend by add-  
:

And as much as practicable, for such  
izens of this State above the age of 45  
rs, who may have served in the army,  
y or marine corps of the United States  
ring the late war or rebellion, and have  
eived an honorable discharge therefrom,  
shall also provide for the support  
such destitute citizens of this  
te who may have been crippled,  
imed or disabled while in the service of  
United States during the late war or re-  
billion. And also of the widows and or-  
ans under sixteen years of age whose  
bands or fathers did serve in the army,  
y or marine corps of the United States  
ring the late war or rebellion; whether  
y died while in active service, or after  
ing been honorably discharged there-  
m; *Provided*, That the word "citizen,"  
this article, shall be so construed as to in-  
de all men, without distinction of race  
color, who can prove to have been  
abitants of the State for one year  
evious to January first, 1863; and,  
*Provided further*, That such women who  
o can clearly establish that they had  
ed with the deceased as husband and  
e, at least during the next five years pre-  
eling his death, shall be deemed their  
low, and children born under the same  
cumstances, shall be considered legit-  
ite.

Mr. Blackburn moved to amend by  
adding:

And the destitute widows and orphans of  
Union men who were compelled to serve in  
the rebel army, and who thereby lost their  
lives.

Mr. Lynch was called to the chair.

Mr. Bertonneau moved to lay the two  
pending amendments on the table.

Adopted.

The article, as reported, was adopted.

By Mr. Underwood :

Article 125, majority report, reading as  
lows :

ART. 126. The General Assembly at its  
first session under this Constitution shall  
provide for the registration of voters  
throughout the State, and no one shall be  
permitted to vote unless registered.

Which was adopted.

By Mr. Cromwell:

The following as article 127 of the Con-  
stitution, reading as follows:

All persons, before registering, must take  
and subscribe to the following oath: "I do  
solemnly swear (or affirm) that I will sup-  
port or maintain the Constitution and laws  
of the United States, and the Constitution  
and laws of the State of Louisiana; that I  
am not excluded from registering by any  
clause, section or article in the Constitution  
of this State; that I will never countenance  
or aid in the secession of this State from  
the United States; that I accept the public,  
political and civil equality of all men, and  
agree not to attempt to deprive any person  
or persons, on account of race, color or pre-  
vious condition, of any political or civil  
rights and public privileges or immunities  
enjoyed by any class of men; and, further-  
more, that I will not in any way injure, or  
countenance in others, any attempt to injure  
any person or persons on account of  
past or present support of the Government  
of the United States, and laws of the United  
States, or the principles of the public, politi-  
cal and civil equality of all men."

Mr. McMillen moved to lay on the table.

Adopted.

By Mr. McMillen:

Article 126, majority report, reading as  
lows:

ART. 127. The military shall be in subor-  
dination to the civil power.

Was adopted.

Mr. Waples moved to amend article 127,  
majority report, by striking out from the  
word "and" in the 3d line, to the word

"those" in the 4th line and inserting "of the State."

Mr. Burrell moved to lay the amendment on the table.

Lost.

The question recurring upon the amendment of Mr. Waples, it was adopted.

Mr. Cooley moved to lay the article as amended on the table.

Lost—ayes 32, nays 32—as follows:

Yeas: Antoine, Baker, Barrett, Blackburn, Burrel, Butler, Cooley, Crane, Dearing, P. G. Deslonde, Gair, Gould, Harper, Harris, Harrison, Ingraham, Thos. Isabelle, Landers, R. Lewis, Ludeling, Lynch, McMillen, Murrel, Pierce, Poindexter, Reese, Riggs, Scott, Steele, Twitchell, Wickliffe—32 ayes.

Nays: Belden, Bertonneau, Blandin, Crawford, Cromwell, Demarest, Depasseau, Douglas, Donato, Duparte G., Dupart U., Esnard, Francois, Ferguson, Gardiner, Hiestand, Martin, Meadows, Moses, Mushaway, Packard, Pollard, Reagan, Riard, Rodriguez, Schwab, Smith, Tinechant, Underwood, Waples, Williams, Wilson—32 nays.

The question recurring upon the adoption of the article as amended, it was lost.

Mr. Burrell moved to adopt the article, as reported.

Mr. Blackburn moved to amend by striking out all after the word "article," and inserting:

It shall be the duty of the General Assembly to make it obligatory upon each parish to support all paupers residing within its limits.

Adopted.

The article, as amended, and reading as follows, was adopted :

ART. 128. It shall be the duty of the General Assembly to make it obligatory upon each parish to support all paupers residing within its limits.

Mr. Baker voted against the adoption of article 127 of the majority report, because in his opinion it would be unjustly burdensome to the country parishes.

Mr. Blackburn voted against the same, thinking each parish should support its own paupers.

Mr. McMillen moved to amend article 128 by striking out all after the word "article," and inserting :

All agreements, the consideration of

which was Confederate money, notes or bonds are null and void, and shall not be enforced in the courts of this State.

Mr. Schwab moved to amend by striking out all after the word "article" and inserting:

All obligations given for in consideration of Confederate money, unsettled, are null and void, and no judgment pending, shall be enforced in any court of this State against any individual. Except for furnishing the poor, in time of need, who have proven, for which debt the State shall be held responsible.

Mr. Cromwell moved to amend by striking out all after the word "article" and inserting:

The State of Louisiana shall never assume nor pay any debt or obligation contracted or incurred in aid of the rebellion nor shall this State ever, in any manner claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever.

The Chair decided the amendment of Mr. Cromwell not in order.

The Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### FIFTY-THIRD DAY.

NEW ORLEANS, Friday, Jan. 31, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

President J. G. Taliaferro, Messrs. Antoine, Blandin, Bonnefoi, Brown, Burrel, Butler, Crane, Crawford, Cromwell, Cune, Dearing, Demarest, Depasseau, P. G. Deslonde, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Gair, Gardner, Gould, Guichard, Harper, Harris, Harrison, Hempstead, Ingraham, Jones, Kels, Landers, Lange, Leroy, J. B. Lewis, I. Lewis, Martin, Meadows, McLeran, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Rodriguez, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Vandergriff, Waple, Wickliffe, Williams, Wilson—67 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

Mr. Cromwell gave notice that he will  
reconsider the vote upon article 44.

## ORIGINAL RESOLUTIONS.

By Mr. Burrell:

*Resolved*, That the collectors of taxes in  
different parishes be instructed to pay  
the delegates of their respective par-  
ishes, if demanded by them, the amount  
on their respective warrants, instead of  
ring the amount into the Treasury of the  
State.

*Resolved*, That the State Treasurer shall  
give the warrants of said delegates from  
tax collectors when indorsed according  
to said delegates and to credit the tax  
lector, in the same manner as when said  
warrants were paid for taxes.

Lies over.

By Mr. Meadows:

*Resolved*, That the Rev. Josiah Fisk  
shall receive the sum of three hundred dol-  
ls for his services from the State Treas-  
urer, the same to be paid after this Conven-  
tion shall have finished its work.

Lies over.

The following communication from Geo-  
rge was received:

GENTLEMEN—I most respectfully ask that  
my bill, amounting to \$122 50 for repairing  
locks and furnishing keys to the desks,  
be paid. My bill has been approved, but  
is impossible for me to get a warrant.  
I have my licenses and taxes to pay, I  
would most respectfully ask to be paid.  
Dropping you will take my demand into con-  
sideration, I am, etc.

And the claim was ordered to be paid.

## UNFINISHED BUSINESS.

Mr. Cromwell moved to reconsider the  
vote upon the adoption of article 125,  
majority report.

Mr. Berthonneau moved to lay the motion  
reconsider on the table.

Adopted.

The question recurring upon the amend-  
ment of Mr. Schwab to article 128, majority  
report.

The amendment was laid on the table.

Mr. Cooley was called to the chair.

Mr. Smith moved to amend by striking  
it all after the word "article," and in-  
serting:

All agreements, bonds, notes and mort-  
gages involving Confederate money, whether  
the consideration be therein expressed or  
not; and all subsequent agreements, bonds,  
notes and mortgages, as well as judgments,

executions and other judicial proceedings  
of the courts of this State in reference to  
such original bonds, notes and mortgages  
are null and void, and shall not be enforced  
by the courts of this State.

The Chair decided the amendment of  
Mr. Smith not in order.

Mr. Harris moved to amend the amend-  
ment of Mr. McMillen by inserting after  
the words "all agreements" the words "and  
any part thereof."

Laid on the table.

The question recurring upon the amend-  
ment of Mr. McMillen, it was adopted.

The question recurring upon the adoption  
of article 128, as amended, and reading as  
follows:

ART. 129. All agreements, the considera-  
tion of which was Confederate money, notes  
or bonds, are null and void, and shall not  
be enforced by the courts of this State.

It was adopted.

Mr. Hempstead moved to amend article  
129, majority report, by striking out the  
words "obligations," and "in the past,"  
and inserting:

Contracts for the sale of persons or ob-  
ligations in which persons and other prop-  
erty are concerned, still unexecuted, are  
null and void, and shall not be enforced by  
the courts of this State, so far as the value  
of persons is concerned.

Tabled.

Mr. Packard moved to amend the article  
by striking out all after the word "article,"  
and inserting:

ART. 130. Contracts for the sale of per-  
sons still unexecuted, are null and void, and  
shall not be enforced by the courts of this  
State.

Adopted.

The article as amended and reading as  
follows:

ART. 130. Contracts for the sale of per-  
sons still unexecuted are null and void, and  
shall not be enforced by the courts of this  
State.

Was adopted.

Mr. Cromwell moved to adopt the follow-  
ing article as article 131 of the Constitu-  
tion.

ART. 131. The State of Louisiana shall  
never assume nor pay any debt or obliga-  
tion contracted or incurred in aid of the  
rebellion; nor shall this State ever, in any  
manner, claim from the United States, or

make any allowance or compensation for slaves emancipated or liberated in any way whatever.

Adopted.

Mr. Lynch moved to adopt the following as article 132 of the Constitution:

ART. —. The State of Louisiana may be sued in any district court thereof, for any amount within the jurisdiction of said court, by any citizen of said State.

Mr. Waples moved to amend by adding:

Where the cause of action arises after the adoption of this Constitution, and all necessary processes in such suits, shall be served on the District Attorney for the judicial district in which said suit is brought.

Mr. Gair moved to lay the pending article and amendment on the table.

Adopted.

Mr. Underwood moved to adopt article 140, minority report, as article 132 of the Constitution, reading as follows:

All persons who were formally debarred by slavery from legally contracting matrimony in this State, who have lived together as husband and wife for three consecutive years prior to the adoption of this Constitution, shall be deemed, after the adoption of this Constitution, in all courts of justice, as husband and wife, and their offspring as their legal heirs, as though said disability had never existed.

Mr. Tinchant moved to amend by adding:

And, to prevent concubinage in this State, the General Assembly shall enact such laws that will facilitate all women, without distinction of race or color, to sue for breach of promise. The General Assembly shall also provide to compel to marriage upon application of one of the parties, such persons who may have lived together not less than one year consecutively.

Laid on the table.

Mr. Wickliffe moved to amend by inserting "after persons," the words "of African descent," and by striking out the word "slavery" and inserting in lieu thereof "by the laws of the State."

Mr. Meadows moved to lay the article and all pending amendments on the table.

Adopted.

Mr. McMillen moved to adopt the following as article 132.

ART. — It shall be the duty of the General Assembly, under this Constitution, to provide by law for the exemption from sale under execution, of real and personal

property, not to exceed in amount two thousand dollars; *Provided*, Said law shall in no manner impair existing obligations.

Mr. Belden moved to amend by striking out "\$2000" and inserting "\$1000."

Laid on the table.

M. Depasseau moved to lay the original article on the table.

Adopted.

Mr. Wickliffe moved to adopt the following as article 132:

ART. — Sec. 1. There shall be appointed by the Governor, every two years, by an with the advice and consent of the Senate a Board of Health for the parishes of Orleans and Jefferson, consisting of seven members, whose qualifications and salaries shall be as provided by law.

Sec. 2. The said Board of Health shall have power to regulate in said parishes, in conformity with such laws as may be passed by the Legislature, the matters of quarantine, drainage, the removal and deposit of offals and filth, the location of stock yards slaughter-houses, and nuisance wharves and in short, have general supervision of all matters that affect or pertain to the public health in said parishes. *Provided*, That no slaughter-houses or stock yards shall be allowed within the corporate limits of a city or town within said parishes, and that no nuisance wharves or dumping grounds shall be allowed in said parishes above or within one-half mile below the present, or any other waterworks that may be constructed, so long as the cities of New Orleans and Jefferson are supplied with water from the Mississippi river; and *Provided further*, That all slaughter-houses and stock yards shall be located below the corporate limits of the city of New Orleans.

Sec. 3. No municipal corporation shall pass any ordinance conflicting this article, or upon the subject matter thereof.

Mr. Underwood moved to lay the motion of Mr. Wickliffe on the table.

Lost—ayes 30, nays 36—as follows:

Yea: Barrett, Bertonneau, Blandin, Bonnefoi, Cooley, Crane, Crawford, Depasseau, Douglass, Francois, Ferguson, Gair, Guichard, Harrison, Isabelle R. H., Isabelle T., Lewis J. B., Ludeling, Lynch, Martin, McMillen, Murrel, Mushaway, Myers, Oliver, Reagan, Roberts, Scott, Underwood, Waples—30 yeas.

Nays: Antoine, Baker, Blackburn, Burriel, Butler, Cromwell, Cuney, Dearing, Demarest, Donato, Duparte G., Dupart, U., Esnard, Harris, Ingraham, Jones, Landers, Lange, Leroy, Lewis R., Marie, Meadows, McLeran, Moses, Packard, Pinchback,

Poindexter, Pollard, Riard, Rodriguez, Valfroit, Vidal, Wickliffe, Williams, Wilson—36 nays.

The question recurring upon the motion of Mr. Wickliffe.

Mr. Waples moved to amend by striking out “appointed by the Governor,” and inserting in lieu thereof “elected by the qualified electors of the State.”

Mr. Wickliffe moved to lay the amendment of Mr. Waples on the table.

Adopted.

The question recurring upon Mr. Wickliffe's motion.

The article, reading as follows:

ART. 132. Sec. 1. There shall be appointed by the Governor, every two years, and with the advice and consent of the Senate, a Board of Health for the parishes of Orleans and Jefferson, consisting of seven members, whose qualifications and salaries shall be as provided by law.

Sec. 2. The said Board of Health shall have power to regulate in said parishes, in conformity with such laws as may be passed by the Legislature, the matters of quarantine, drainage, the removal and deposit of offals and filth, the location of stock yards, slaughter-houses, and nuisance wharves, and in short, have general supervision of all matters that affect or pertain to the public health in said parishes; provided, That no slaughter-houses or stock yards shall be allowed within the corporate limits of a city or town within said parishes, and that no nuisance wharves or dumping grounds shall be allowed in said parishes above or within one-half mile below the present, or any other waterworks that may be constructed, so long as the cities of New Orleans and Jefferson are supplied with water from the Mississippi river; and Provided further, That all slaughter-houses and stock yards shall be located below the corporate limits of the city of New Orleans.

Sec. 3. No municipal corporation shall ass any ordinance conflicting with this article, nor upon the subject matter thereof.

Was adopted—ayes 34, nays 31—as follows:

Yea: Antoine, Baker, Blackburn, Burrel, Cromwell, Cuney, Deslonde J., Duarte G., Dupart U., Francois, Guichard, Harper, Hiestand, Ingraham, Isabelle R. L., Kelso, Landers, Lange, Leroy, Lewis L., Marie, Massicot, Moses, Murrel, Packard, Pinchback, Poindexter, Pollard, Reese, Riggs, Rodriguez, Tinchant, Valfroit, Wickliffe, Williams—34 yeas.

Nays: Barrett, Bertonneau, Blandin,

Bonnefoi, Crane, Crawford, Dearing, Demarest, Depasseau, Douglas, Esnard, Fuller, Ferguson, Gair, Gould, Harris, Harrison, Isabelle T., Ludeling, Lynch, Martin, McMillen, Mushaway, Myers, Oliver, Reagan, Riard, Roberts, Steele, Underwood, Waples—31 nays.

Mr. Oliver recorled the following reason for his vote:

Mr. President and Members of the Convention:

I do not think that the subject belongs to this Convention. It is a matter of legislation; and as I did not come here to legislate, but to frame a Constitution, I vote no.

By Mr. Blandin:

Article 130, majority report, and reading as follows:

ART. 133. The seat of government shall be established at the city of Baton Rouge, and shall not be removed without the consent of two-thirds of the members of both Houses of the General Assembly.

Mr. Pinchback moved to amend by striking out “Baton Rouge,” and inserting “New Orleans.”

The amendment was lost—ayes 31, nays 41—as follows:

Yea: Belden, Bertonneau, Blackburn, Blandin, Burrel, Crane, Depasseau, Douglas, Duplessis, Ferguson, Gould, Harris, Hempstead, Hiestand, R. H. Isabelle, Thos. Isabelle, Jones, Landers, Marie Martin, Massicot, Mushaway, Packard, Pollard, Riggs, Rodriguez, Steele, Waples, Wickliffe, Williams—31.

Nays: Antoine, Baker, Barrett, Bonnefoi, Crawford, Cuney, Dearing, Demarest, P. G. Deslonde, U. Dupart, Francois, Fuller, Gair, Harper, Harrison, Ingraham, Kelso, Lange, Leroy, J. B. Lewis, Richard Lewis, Ludeling, Lynch, McLeran, McMillen, Moses, Murrel, Myers, Oliver, Pinchback, Poindexter, Reagan, Reese, Riard, Schwab, Scott, Snider, Thibaut, Underwood, Valfroit, Vandergriff—41.

The article, as reported, was adopted.

Mr. Gair moved to reconsider the vote just taken. Lost.

Mr. Underwood moved to adopt article 143, minority report.

Mr. Packard having the floor, yielded it for a motion to adjourn, with the consent of the Convention that he should have the floor to-morrow.

The Convention adjourned until to-morrow at 10 A. M.

A true copy.

WM. VIGERS, Secretary.

## FIFTY-FOURTH DAY.

NEW ORLEANS, Saturday, Feb. 1, 1868.

The Convention met pursuant to adjournment and was called to order by Mr. Ingraham at 10½ o'clock A. M.

Mr. Crane was called to the chair.

The roll was called and the following members answered to their names:

Baker, Belden, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Depassean, P. G. Deslonde, Donato, U. Dupart, Duplessis, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Landers, Leroy, J. E. Lewis, R. Lewis, Marie, Martin, Massicot, Meadows, Moses, Murrell, Myers, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergrieff, Waples, Wickliffe, Williams, Wilson—67 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

## ORIGINAL RESOLUTIONS.

Mr. R. H. Isabelle called up the following, lying over from January 4, 1868:

WHEREAS, The proprietors of the New Orleans Picayune have daily furnished this Convention with morning and evening papers; and

WHEREAS, Some compensation to the proprietors of said journal, toward the payment of its labors, is due as an act of justice; and, while this Convention ignores the editorial sentiments of said journal, yet, as a question of labor,

*Be it ordained by the Constitutional Convention of the State of Louisiana, That the sum of five hundred dollars be and is hereby appropriated to the credit of the proprietors of said New Orleans Picayune, to be paid out of any funds raised or to be raised to pay the expenses of this Convention.*

*Be it further ordained, That said proprietors shall receive warrants for the above mentioned five hundred dollars, signed in the same manner as those issued for the payment of delegates to this Convention.*

And moved to adopt.

Mr. Cromwell moved to lay on the table.

Lost.

Mr. Harper moved to amend by striking out all after the words "act of justice" to the word "labor," inclusive.

Adopted.

Mr. Blackburn moved to amend by striking out all after the word "resolved," and inserting:

*Resolved, That a donation of \$500 be awarded by this Convention to the New Orleans Picayune for the happy and candid manner in which it has abused and misrepresented the object and purpose of the loyal men of the State.*

Laid on the table.

Mr. McMillen moved to amend by striking out all after the word "resolved" and inserting:

That the Committee on Printing be instructed to ascertain the cost price of the Picayune and Commercial Bulletin, furnished members of the Convention, and whether or not a sufficient amount should be appropriated to reimburse the proprietors of these journals.

Mr. Pierce moved to lay the original resolution and the pending amendment on the table.

Adopted.

## SPECIAL COMMITTEE.

The special committee appointed to investigate the payment by tax collectors of warrants into the treasury, through Mr. Hempstead, chairman, reported progress.

## UNFINISHED BUSINESS.

Mr. Blandin moved to reconsider the vote upon the adoption of article 130.

The Chair decided that as the motion to reconsider the same vote had been once made and rejected by the Convention, the motion was not now in order.

Mr. Blandin moved to repeal article 130 of the Constitution.

Mr. McMillen raised the point of order that the motion should not be entertained at this time, for two reasons: first, for the reason that the consideration of the remainder of the reports of the Committee on the Draft of the Constitution should be completed before a motion to repeal any part that has been adopted would be in order; and second, that the hour for the order of the day having arrived, business under that head should take precedence of all other motions.

The Chair decided that the point of order was not well taken.

Mr. McMillen appealed.

The Chair was sustained.

Mr. Underwood moved to lay the motion to repeal on the table.

Adopted—ayes 38, nays 29—as follows:

Ayes: Antoine, Baker, Blackburn, Bonnefoi, Brown, Crawford, Cuney, Dearing, J. Deslonde, U. Dupart, Francois, Gair, Gould, Kelso, Leroy, Richard Lewis, Lynch, Meadows, McLeran, McMillen, Murrel, Myers, Newsham, Oliver, Pierce, Poindexter, Pollard, Reagan, Riard, Scott, Snider, Thibaut, Tinchant, Underwood, Valfroit, Vandergriff, Vidal, Williams—38 ayes.

Nays: Belden, Bertonneau, Blandin, Burrel, Butler, Crane, Cromwell, Depasseau, Douglas, G. Duparte, Esnard, Ferguson, Guichard, Harper, Hempstead, R. H. Isabelle, Jones, Marie, Moses, Mushaway, Packard, Riggs, Roberts, Rodriguez, Smith, Steele, Waples, Wickliffe, Wilson—29 nays.

Mr. Tinchant moved to reconsider the vote upon the adoption of article 132 of the Constitution.

Mr. Packard raised the point of order that the motion contravened Rule 30, and should not be entertained.

The Chair decided that the point of order was not well taken.

Mr. Packard appealed.

The Chair was sustained.

The motion to reconsider prevailed—ayes 54, nays 16—as follows:

Yea: Baker, Barrett, Bertonneau, Blandin, Bonnefoi, Burrel, Cooley, Crane, Crawford, Depasseau, Deslonde P. G., Deslonde Jos., Douglas, Duparte G., Dupart U., Duplessis, Esnard, Francois, Ferguson, Gair, Harris, Harrison, Hempstead, Isabelle Thos., Kelso, Lange, Leroy, Lewis R., Ludeling, Lynch, Marie, Martin, McMillen, Murrel, Mushaway, Myers, Newsham, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Robers, Snaer, Scott, Snider, Steele, Thibaut, Tinchant, Valfroit, Vidal, Waples—54 ayes.

Nays: Blackburn, Cromwell, Gould, Guichard, Harper, Ingraham, Isabelle R. H., Jones, Meadows, Moses, Packard, Rodriguez, Smith, Wickliffe, Williams, Wilson—16 nays.

Mr. Tinchant moved to reject the article.

Adopted.

Mr. McMillen moved to reconsider the vote just taken.

Mr. Packard moved to lay the motion to reconsider on the table.

Adopted.

Mr. Waples moved to suspend the rules to enable him to offer the following as an article of the Constitution :

ART. —. In all cases when the fees of the Sheriff, Recorder of Mortgages, Recorder of Conveyances, Clerk of any city court, or other parish officer, shall exceed ten thousand (\$10,000) dollars per annum, besides paying the necessary office expenses, to be fixed by law, it shall be the duty of any such officer to pay the surplus into the treasury of the parish in which the office is held, for the purpose of supporting the paupers therein. The General Assembly shall apportion the State charity fund, growing out of the poll tax, or arising from other sources, (one-half at least of said tax being so appropriated), among the several parishes, *pro rata*, according to the number of paupers actually supported by each parish; and shall adopt such legislation as shall be necessary to carry this article into effect, and to prevent fraud on the part of such officers as may have a surplus above the sum mentioned.

The rules were suspended.

Mr. Waples moved to adopt as article 132 of the Constitution.

Pending its consideration, a quorum not being present, the Convention adjourned till Monday at 10 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

#### FIFTY-FIFTH DAY.

NEW ORLEANS, Monday, Feb. 3, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 o'clock A. M.

The following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, J. Deslonde, Donato, U. Dupart, Duplessis, Edward, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harper, Harris, Ingraham, R. H. Isabelle, T. Isabelle, Jones, Kelso, Landers, Leroy, J. B. Lewis, R. Lewis, Marie, Massicot, McLeran, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Smith, Scott, Snider, Steele, Thibaut, Twitchell, Vandergriff, Waples, Wickliffe, Williams, Wilson—65 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and approved.

ORIGINAL RESOLUTIONS.

By Mr. Reagan:

WHEREAS, Many of the members of this Convention, by circumstances of necessity, have been compelled to make unreasonable and exorbitant discounts upon their warrants, which unjustly reduces their *per diem* below its legal allowance; and,

WHEREAS, It is deemed impossible for this Convention to enable its members to avoid such sacrifices; therefore, be it

*Resolved*, That any member of this Convention, the Secretary and Chief Enrolling Clerk, on presentation of evidence deemed competent by the Convention, that they made such discounts as above, shall receive from the Warrant Clerk a warrant equivalent to such discounts; *Provided*, Such extra allowance shall not exceed two hundred dollars to each member or employee; *Provided, further*, That no allowance shall be made on the discount of warrants after the first day of February, 1868.

Lies over.

By Mr. W. Brown:

*Resolved*, That the Chairman of Committee on Contingent Expenses be instructed to authorize the Warrant Clerk to issue warrants to B. Bloomfield & Co. to the amount of their bill for stationery, coal, etc., amounting to eighteen hundred and sixty-six dollars and forty-four cents.

Lies over till Thursday.

Mr. Ingraham moved that one Assistant Warrant Clerk be appointed by the President.

Laid on the table.

Mr. Wickliffe moved that a committee of three be appointed by the Chair to inquire into the subject of the payment of the Picayune newspaper, and that said committee be instructed to learn whether said paper was ordered by any officer of this Convention, and what remuneration, if any, shall be allowed the proprietors of said paper.

Mr. Waples moved to amend by adding:

And if any officers shall be found by the committee to have ordered the paper, such officers shall be requested to pay the bill.

Laid on the table.

The motion of Mr. Wickliffe prevailed.

The Chair appointed as the committee, Messrs. Wickliffe, Moses and Packard.

The Committee on Contingent Expenses submitted the following report, which was received:

To the Honorable President and Members of the Constitutional Convention of Louisiana:

GENTLEMEN—The Committee on Contingent Expenses, respectfully report that they have received the following bills for printing, viz:

New Orleans Republican, from Dec. 22, to the 46th day.....	\$3,956 00
New Orleans TRIBUNE, from the 1st day's session to the 46th inclusive.....	3,956 00
New Orleans German Gazette, for publication of official proceedings from the 1st day to 33d, inclusive.....	3,956 00
Iberville Pioneer, publication of proceedings, as per duplicates	3,625 00
Homer Iliad, for publication of official proceedings, as per duplicates.....	3,625 00
New Orleans Advocate, for publication of official proceedings, as per duplicates.....	3,625 00
Louisiana Intelligencer, publication of official proceedings, as per duplicates.....	3,625 00

Total.....\$25,571 00

The above bills having been examined and approved by the Committee on Contingent Expenses and Printing, we recommend that warrants be issued for the same.

Very respectfully,

A. N. GOULD,  
Chairman *pro tem.* of Contingent Expenses Committee.

And the Warrant Clerk was ordered to issue warrants in payment of the bills referred to therein to the respective claimants.

A recess of one hour was taken. At its expiration the Convention was called to order by the President. A quorum present.

Mr. Wickliffe moved to suspend the rules to take up the report of the Special Committee on Contingent Expenses.

Adopted.

Mr. Wickliffe moved to reconsider the vote postponing the resolution of Mr. Brown till Thursday.

Adopted.

Mr. McMillen moved to adopt the resolution, as reported by the committee.

Mr. Waples moved to amend the first resolution of the special committee by adding after the word "upon" the words "as to Bloomfield's bill, and twenty-five per cent as to Madden's bill."

Mr. Hempstead moved to lay the amendment on the table.

Adopted—ayes 50, nays 17—as follows:

Yea: Antoine, Baker, Belden, Blackburn, Blandin, Brown, Burrel, Butler, Demarest, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Francois, Gair, Harris, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Leroy, R. Lewis, Marie, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Riggs, Rodriguez, Scott, Steele, Thibaut, Tinchant, Twitchell, Vidal, Wickliffe, Williams, Wilson—50 yeas.

Nays: Berthonneau, Crane, Crawford, Dearing, Depasseau, Edward, Esnard, Fuller, Gould, Harrison, Martin, Massicot, McMillen, Mushaway, Pinchback, Riard, Waples—17 nays.

Mr. Hempstead moved to lay the motion of Mr. McMillen on the table.

Adopted—ayes 45, nays 22—as follows:

Yea: Belden, Blackburn, Blandin, Brown, Butler, Cuneys, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Francois, Gair, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Richard Lewis, Marie, Meadows, McLeran, Morris, Moses, Murrel, Newsham, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riggs, Rodriguez, Scott, Thibaut, Tinchant, Twitchell, Vandergriff, Vidal, Wickliffe, Williams, Wilson—45.

Nays: Antoine, Berthonneau, Burrel, Crane, Crawford, Dearing, Depasseau, Douglas, Edward, Esnard, Fuller, Gould, Harrison, Martin, Massicot, McMillen, Mushaway, Myers, Oliver, Riard, Steele, Waples—22.

Mr. Blackburn moved that the bills of B. Bloomfield & Co. and J. W. Madden, as presented through the Committee on Contingent Expenses, for stationery, etc., furnished this Convention, be allowed, and warrants ordered to be issued for the sums; and that all the bills for printing as presented to-day and approved by the Committees on Printing and on Contingent Expenses be also allowed, and warrants ordered to be issued for the same.

Adopted—ayes 47, nays 27—as follows:

Yea: Baker, Belden, Blackburn, Blandin, Brown, Burrel, Butler, Cromwell, Deslonde P. G., Donato, Duparte G., Dupart U., Duplessis, Francois, Gair, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Isabelle T., Jones, Lange, Lewis R., Marie, Meadows, McLeran, Morris, Murrell, Oliver,

Packard, Pierce, Poindexter, Pollard, Reagan, Riard, Riggs, Rodriguez, Scott, Thibaut, Tinchant, Twitchell, Vandergriff, Vidal, Wickliffe, Williams, Wilson—47 yeas.

Nays: Antoine, Berthonneau, Bonnefoi, Cooley, Crane, Crawford, Cuneys, Dearing, Depasseau, Douglas, Edward, Esnard, Fuller, Ferguson, Gould, Harrison, Kelso, Massicot, McMillen, Moses, Myers, Pinchback, Waples—24 nays.

Mr. Tinchant recorded the following reasons for his vote:

Believing that no injustice can be done to the official printers by the Committee on Printing, I will vote for the resolution of Mr. Blackburn.

Mr. Wickliffe moved to suspend the rules to take up the bill of the Picayune.

Adopted.

Mr. Wickliffe, as chairman of the Special Committee, submitted the following report:

#### REPORT OF SPECIAL COMMITTEE.

To the President and Members of the Constitutional Convention:

GENTLEMEN—Your committee appointed to investigate the claim of the Picayune newspaper, respectfully report that they cannot learn that any officer of this Convention has ordered said paper; but the action of this Convention in regard to paying the Picayune by introducing a resolution to that effect at an early stage of our proceedings, was considered by the proprietors of said paper as a tacit promise to do something for the relief of the paper, and upon the faith of that tacit promise, the proprietors continued to furnish said paper to the members of this Convention.

Your committee therefore respectfully represent that all the circumstances considered, your committee suggest the propriety of adopting the following resolution:

*Resolved*, That five hundred dollars be and the same is hereby appropriated out of any funds that may be in the hands of the State Treasurer, derived from the Tax Ordinance of this Convention, after the warrants heretofore authorized are paid; and, that the Warrant Clerk is hereby ordered to issue a warrant for the sum of five hundred dollars to Messrs. A. M. Holbrook & Co., the proprietors of the New Orleans Picayune.

And moved to adopt the resolution.

Adopted.

#### UNFINISHED BUSINESS.

Mr. Waples' article being under consideration.

Mr. Blandin moved to lay on the table.

Adopted.

Mr. R. H. Isabelle:

Article 143, minority report, as follows:

ART. 143. The corporation of the city of New Orleans shall be the parish of Orleans. The right bank, as now existing, shall be the Fifth District, the other districts, as now existing, shall not be altered.

Mr. Wilson moved to amend by striking out all after the word "District," in the fourth line.

Adopted.

The article, as amended, being under consideration.

The Convention adjourned until to-morrow at 10 A. M.

A true copy :

WM. VIGERS, Secretary.

#### FIFTY-SIXTH DAY.

NEW ORLEANS, Tuesday, Feb. 4, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, Duparte G., Dupart U., Duplessis, Edward, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Kelso, Landers, Lange, Leroy, Marie, Martin, Massicot, Meadows, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Rodriguez, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Vandergriff, Waples, Wickliffe, Williams, Wilson—68 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. R. I. Cromwell:

ART. — All persons who do now, and have heretofore lived and cohabited together as husband and wife, shall be taken and held in law as legally married, and their issue shall be taken and held as legitimate for all purposes in law.

*Resolved*, That this shall be an article in the Constitution of Louisiana.

Lies over.

By Mr. R. I. Cromwell:

Concubinage and adultery are prohibited within this State.

*Resolved*, That it shall be an article of the Constitution of Louisiana.

Lies over.

By Mr. Cromwell:

ART. — It shall not be lawful after the adoption of this Constitution for any theatre, concert, circus, or any licensed place of public amusement, to be carried on on the Sabbath day.

*Resolved*, That this shall be an article in the Constitution of Louisiana.

Lies over.

By Mr. Wickliffe:

*Resolved*, That the Warrant Clerk of this Convention be instructed to issue to the members of this Convention warrants for such sums as they may demand; *Provided*, That no member shall overdraw his *per diem*.

The rules were suspended, and the resolution was adopted.

By Mr. Crane:

ART. — It shall require two-thirds of both Houses of the General Assembly to pass tax and appropriation bills. State, parish, municipal and other taxes combined, shall not exceed two per cent. of the value of the property taxed.

Lies over.

#### SPECIAL COMMITTEES.

The special committee to examine and report upon the payment of taxes, through Mr. Reagan, chairman, submitted the following report:

##### REPORT OF SPECIAL COMMITTEE.

To the President and Members of the Constitutional Convention:

GENTLEMEN—Pursuant to a resolution adopted January 29, 1868, by the Convention, to inquire into the matter of the \$3000 paid into the State Auditor's hands, by Thomas Askew, Tax Collector, First District, New Orleans, your committee beg leave to make the following report:

Having examined the Collector's books, we find that up to the 29th day of January, 1868, there was received \$3706 40, of which sum was in warrants issued by the Convention, to the amount of \$1809 90, almost all of which warrants were paid by the various insurance companies on their respective tax accounts.

All of which is respectfully submitted.

[Signed] O. H. HEMPSTEAD,

C. C. ANTOINE,

GEO. W. REAGAN.

Which was received, and the committee was discharged.

## UNFINISHED BUSINESS.

Mr. Crane moved to suspend the rules to enable him to offer the following as an article of the Constitution:

ART. —. It shall require two-thirds of both Houses of the General Assembly to pass tax and appropriation bills. State, parish, municipal and other taxes combined, shall not exceed two per cent. of the value of the property taxed.

Lost.

Mr. Isabelle moved to adopt article 143, minority report.

Mr. Cooley moved to lay the motion on the table.

Adopted—ayes 46, nays 19—as follows:

Yea: Baker, Bertonneau, Blandin, Bonnefoi, Burrel, Cooley, Crane, Dearing, Demarest, Depasseau, Douglas, Duplessis, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Isabelle Thos., Kelso, Landers, Massicot, Meadows, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Schwab, Smith, Snaer, Scott, Snider, Steele, Thibaut, Twitchell, Underwood, Waples, Wickliffe, Williams—46 yeas.

Nays: Antoine, Butler, Cromwell, Du-parte G., Dupart U., Edward, Francois, Ingraham, Isabelle R. H., Jones, Lange, Leroy, McLeran, Morris, Moses, Murrel, Riggs, Rodriguez, Wilson—19 nays.

Mr. Pinchback was called to the chair.

Mr. Crane moved to adopt as article 133 the following:

ART. —. It shall require two-thirds of both Houses of the General Assembly to pass tax and appropriation bills. State, parish, municipal and other taxes combined, shall not exceed two per cent. of the value of the property taxed.

Mr. Smith asked that the question be divided and a vote taken separately upon the first and second clauses of the article.

The previous question was demanded by a majority of the delegates.

The question recurring upon the first part of the article, reading as follows:

It shall require two-thirds of both Houses of the General Assembly to pass tax and appropriation bills.

It was lost.

The question recurring upon the second part of the article, as follows:

State, parish, municipal and other taxes combined, shall not exceed two per cent. of the value of the property taxed.

It was lost.

By Mr. Blandin:

Article 131, majority report, as follows:

There shall be a Board of Public Works, to consist of one commissioner from each Congressional district of the State.

Mr. Wickliffe moved to amend by striking out all after the word “article,” and inserting Title 10—Constitution of 1864—as follows:

## INTERNAL IMPROVEMENTS.

ART. 133. There shall be appointed by the Governor a State Engineer, skilled in the theory and practice of his profession, who shall hold his office at the seat of government for the term of four years. He shall have the superintendence and direction of all public works in which the State may be interested, except those made by joint stock companies or such as may be under the parochial or city authorities exclusively and not in conflict with the general laws of the State. He shall communicate to the General Assembly, through the Governor, annually, his views concerning the same, report upon the condition of the public works in progress, recommend such measures as in his opinion the public interest of the State may require, and shall perform such other duties as may be prescribed by law. His salary shall be five thousand dollars per annum, until otherwise provided by law. The mode of election, number and salary of his assistants shall be fixed by law. The State Engineer and assistants shall give bonds for the performance of their duties as shall be prescribed by law.

The General Assembly may create internal improvement districts, composed of one or more parishes, and may grant a right to the citizens thereof to tax themselves for their improvements. Said internal improvement districts, when created, shall have the right to select commissioners, shall have power to appoint officers, fix their pay and regulate all matters relative to the improvements of their districts, provided such improvements will not conflict with the general laws of the State.

The General Assembly may grant aid to said districts out of the funds arising from the swamp and overflowed lands, granted to the State by the United States for that purpose or otherwise.

The General Assembly shall have the right of abolishing the office of State Engineer, by a majority vote of all the members elected to each branch, and of substituting a board of public works in lieu thereof, should they deem it necessary.

Mr. Crane moved to amend the sub-

stitute by striking out the words "appointed by the Governor," and inserting the words "elected by the qualified electors of the State."

The article, as amended, and reading as follows :

ART. 133. There shall be elected by the qualified voters of the State a State Engineer, skilled in the theory and practice of his profession who shall hold his office at the seat of government for the term of four years. He shall have the superintendence and direction of all public works in which the State may be interested, except those made by joint stock companies or such as may be under the parochial or city authorities exclusively and not in conflict with the general laws of the State. He shall communicate to the General Assembly, through the Governor, annually, his views concerning the same, report upon the condition of the public works in progress, recommend such measures as in his opinion the public interest of the State may require, and shall perform such other duties as may be prescribed by law. His salary shall be five thousand dollars per annum, until otherwise provided by law. The mode of election, number and salary of his assistants shall be fixed by law. The State Engineer and assistants shall give bonds for the performance of their duties as shall be prescribed by law.

The General Assembly may create internal improvement districts, composed of one or more parishes, and may grant a right to the citizens thereof to tax themselves for their improvements. Said internal improvement districts, when created, shall have the right to select commissioners, shall have power to appoint officers, fix their pay and regulate all matters relative to the improvements of their districts, provided such improvements will not conflict with the general laws of the State.

The General Assembly may grant aid to said districts out of the funds arising from the swamp and overflowed lands, granted to the State by the United States for that purpose or otherwise.

The General Assembly shall have the right of abolishing the office of State Engineer, by a majority vote of all the members elected to each branch, and of substituting a board of public works in lieu thereof, should they deem it necessary.

Was adopted.

Mr. Steele voted in the majority and gave notice that he would move to reconsider.

Mr. Blackburn recorded the following reasons for his vote:

I vote against the proposition to provide for the organization of a board of public works by constitutional provision, for the reason, namely: that every land owner, whether in the Mississippi bottoms or on the bayous in the hill region of the State, should be left to protect his own property from waste and inundation; and for the further reason, that the entire levee system in Louisiana has heretofore proven a sublime humbug, and a grand swindle upon the people of the State at large, and there has not been, nor can there be any good reason advanced why it would not prove the same in the future, even to a greater extent.

W. JASPER BLACKBURN.

Mr. Belden recorded the following reasons for his vote:

I am in favor of the appointment of a State Engineer, but shall vote against the amendment, as I favor the creation of a board of public works by constitutional provision, which the amendment destroys.

The geographical position of this State, the large amount of alluvial lands subject to inundation and the present desolated condition of Louisiana from inundation, all demand that an efficient board of 'internal improvement' be elected to secure to us relief from ruin and devastation. This great end I think cannot be so speedily and permanently secured by the amendment as by the creation of a board of commissioners representing all parts of the State.

S. BELDEN, of Orleans.

Mr. Wilson moved to adopt as article 134, the following.

#### TITLE VIII—EDUCATION.

The Legislature shall establish free public schools throughout the State, and shall provide for their support by taxation or otherwise. All children of this State between the ages of six (6) and eighteen (18) shall be admitted to the public schools in common, without distinction of race, color, or previous condition. There shall be no separate schools established for any exclusive race by the State of Louisiana.

Laid on the table.

By Mr. Ingraham:

Article 145, minority report, as follows:

ART. 134. The Legislature shall establish at least one free public school in every parish throughout the State, and shall provide for their support by taxation or otherwise. All children of this State between the ages of six (6) and twenty-one (21) shall be admitted to the public schools or other institutions of learning sustained or established by the State, in common,

ithout distinction of race, color, or previous condition. There shall be no separate schools or institutions of learning established for any exclusive race by the state of Louisiana.

Mr. Blandin moved to amend by striking it "21" and inserting "18."

Mr. Gair moved to lay the amendment on the table.

Adopted.

Mr. Hempstead moved to amend by striking out "6" and inserting "4."

Mr. Jones moved to lay the amendment on the table.

Adopted.

The article was adopted—ayes 61, nays 1!—as follows:

Ayes: Taliaferro, Antoine, Belden, Berneau, Blandin, Bonnefoi, Burrel, Butler, Crane, Cromwell, Demarest, Depasseau, Donato, Douglas, Duparte, Dupart, Dussessis, Esnard, Francois, Gair, Gardiner, Richard, Harris, Ingraham, Isabelle R., Isabelle Thos., Jones, Kelso, Landers, ange, Leroy, Richard Lewis, Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pinchick, Poindexter, Pollard, Reagan, Riard, Riggs, Rodriguez, Schwab, Snaer, Scott, Thibaut, Tinchant, Vandegriff, Vidal, Wickliffe, Williams, Wilson—61 ayes.

Nays : Baker, Blackburn, Cooley, Dearing, Ferguson, Gould, Harper, Harrison, Hempstead, McMillen, Snider, Twitchell—1 nays.

Mr. Snider recorded the following reasons for his vote.

I do most heartily protest against the 34th article of the Constitution, and think will be the great means of defeating the constitution on the day of ratification.

[Signed] G. SNIDER.

Mr. Dearing recorded the reasons for his vote on article 145, minority report.

While I am committed to a free public school system supported by taxation, and while I am willing to give my vote to tax the property of every citizen in the State to support free public schools, and believing that the parents of a large number don't like this, I am unwilling to inaugurate a system of schools in the present immoral state of society which I am forced to believe will have such a demoralizing influence. I am, therefore, compelled to vote against this article. GEO. W. DEARING, JR.

Mr. McMillen recorded the reasons for his vote, as follows :

I vote against this article for the reason that it will defeat the organization of a complete and thorough common school system in this State. W. L. McMILLEN.

Mr. Hempstead recorded the reasons for his vote:

I vote *no* because I want to give children at the age of four years an opportunity to attend the public schools, and not because I am opposed to the system proposed.

O. H. HEMPSTEAD, JR., Assumption.

Mr. Blackburn recorded the reasons for his vote:

I vote *no* because such article, if attempted to be carried out practically, will break up our free public school system, or at least virtually exclude the colored children from all participation therein. I am a friend of all men, and more especially of all children, regardless of race or color; but I desire and aim to be so upon a safe and practicable basis.

W. JASPER BLACKBURN.

Mr. Baker's vote:

I voted *no* because such a system of schools will benefit a few at the expense of the many, and in my opinion will, hereafter, be most complained of by those who favor it now, and will share the fate of all paper guarantees not founded on common sense and practical utility.

L. W. BAKER.

Mr. Harper's vote:

I vote *no*, being anxious that a system of schools might be established whereby ALL the children of the State may be educated, and being confident that this article of the Constitution will do much to defeat such a desirable result. P. HARPER.

Mr. Martin's vote:

Considering that this system of public schools to all children, without regard to color, race or previous condition, will elevate and enrich the community, which ignorance dishonored and burthened, I feel it my duty to vote in the affirmative for the adoption of the article.

THOS. N. MARTIN.

By Mr. Thibaut:

Article 146, majority report, as follows:

ART. 146. No municipal corporation shall make any rules or regulation contrary to the spirit and intention of this article.

Mr. Ingraham moved to amend by striking out "this" in the third line, and inserting "134" in the fourth line.

Adopted.

The article, as amended, and reading as follows:

ART. 135. No municipal corporation shall make any rules or regulation contrary to the spirit and intention of article 134.

Was adopted.

By Mr. Blandin :

Article 147, majority report, as follows :

ART. 147. There shall be elected by the people of this State a Superintendent of Public Education, who shall hold his office for two (2) years. His duties shall be prescribed, and his salary shall be \$3000 per year; payable quarterly upon his own warrant.

Mr. Wickliffe moved to amend by substituting "four" in place of "two."

Adopted.

Mr. Wickliffe moved to amend by striking out all after "years," and inserting "his duties and salary shall be prescribed by law."

Adopted.

Mr. Harper moved to amend by adding:

He shall adopt a system of inspection administered by a competent board, with the widest and fullest publicity of results.

Laid on the table.

Mr. Wickliffe moved to amend by striking out the words "by the people," and inserting "by the qualified voters."

Adopted.

The article, as amended, reading as follows:

ART. 136. There shall be elected by the qualified voters of this State a Superintendent of Public Education, who shall hold his office four (4) years. His duties and salary shall be prescribed by law and he shall have the supervision and general control of all public schools throughout the State.

Was adopted.

By Mr. Blandin :

Article 149, minority report, as follows:

ART. 137. The general exercises in the public schools shall be conducted in the English language.

Adopted.

By Mr. Tinchant:

Article 150, minority report, as follows:

ART. 138. The proceeds of the lands heretofore, and that which may hereafter be granted by the United States to this State for the use or purpose of the public schools of the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be and remain a perpetual fund on which the State shall pay an annual in-

terest of six (6) per cent., which interest together with the interest of the trust funds deposited with the State by the United States under the act of Congress, approved June 23, 1836, and all the rents of the un-sold lands, shall be appropriated to the support of such schools. And this appropriation shall remain inviolable.

Adopted.

By Mr. Meadows:

Article 151, minority report, as follows:

ART. 139. All moneys accruing from the sales which have been or may be heretofore made of any lands heretofore granted the United States to this State for the use of any institution of learning whatever, from any kind of donation for the purpose of establishing school or schools, or a college or institution of learning whatever shall be and remain a perpetual fund, the interest which, at six (6) per cent. per annum, shall be appropriated to the exclusive benefit of said school or schools or institution of learning; and no law shall be made diverting said funds to any other use than to the establishment and benefit of said institution of learning. The Legislature shall have power to raise funds for the organization and support of said institution, such manner as it may deem best.

Adopted.

By Mr. Gair:

Article 152, minority report, as follows:

ART. 152. No appropriation shall be made by the Legislature for the support of any private school or any private institution of learning whatever.

Mr. Wickliffe moved to amend by adding "where any distinction is made by its rules and regulations on account of race or color or previous condition."

Mr. Tinchant moved to lay the amendment on the table.

Lost.

The amendment of Mr. Wickliffe was adopted.

The article, as amended, and reading follows:

ART. 140. No appropriation shall be made by the Legislature for the support of any private school or any private institution of learning, whatever, where any distinction is made by its rules and regulations on account of race, color or previous condition.

Was adopted.

By Mr. Blandin :

Article 153, minority report, as follows:

ART. 141. A university shall be established and maintained in the city of New Orleans. It shall be composed of six faculties, to-wit: one of law, one of medicine, one of natural science, one of letters, and one of industrial science, and one on the theory and practice of teaching. The legislature shall provide by law for its organization and maintenance; *Provided*, that all departments of this institution of learning shall be open in common to all students capable of matriculating. No les or regulations shall be made by the trustees, faculties or other officers of said institution of learning, nor shall any laws made by the Legislature violating the letter or spirit of this article, under penalty of the annulling of the charter of said institution.

Mr. Reagan moved to amend by inserting in lieu of the words "six faculties," "such faculties as may be prescribed by law."

Mr. Blandin moved to lay the amendment on the table.

Adopted.

Mr. McMillen moved to amend by striking out "shall" in the first line, and inserting "may."

Laid on the table.

Mr. McMillen moved to amend by striking out all after the words "New Orleans," and inserting "it shall be composed of such faculties as may be established by law."

Laid on the table.

Mr. McMillen moved to postpone indefinitely the article under consideration.

Lost—ayes 14, nays 48—as follows:

Yeas : Bonnefoi, Cooley, Douglas, Dulessis, Gair, Harper, Kelso, Leroy, Richard Lewis, Massicot, McMillen, Reagan, Riggs, Twitchell—14 ayes.

Nays : Antoine, Baker, Belden, Bertoneau, Blackburn, Blandin, Burrel, Butler, Cromwell, Depasseau, Donato, Duparte G., Dupart U., Esnard Francois, Gardiner, Gould, Guichard, Harris, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Landers, Lange, Marie, Martin, Meadows, McLeran, Morris, Moses, Murrell, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Riard, Rodriguez, Scott, Thibaut, Linchant, Vidal, Wickliffe, Williams, Wilson—48 nays.

Mr. Cromwell moved to amend by inserting "Napoleonville" in lieu of "New Orleans."

Laid on the table.

Mr. Wickliffe moved to amend by adding after the word "matriculating," 13th line, the words "without distinction of race, color or previous condition."

Laid on the table.

The question recurring upon the adoption of the article, it was adopted as reported.

By Mr. Blandin:

Article 155, minority report, as follows:

ART. 142. Institutions for the support and education of the insane, the blind and the deaf and dumb shall always be fostered and supported by the State, and be subject to such regulations as may be presented by the General Assembly, not in conflict with any provisions of this Constitution.

Adopted.

By Mr. Blandin:

Article 141, majority report, as follows:

#### MILITIA.

It shall be the duty of the General Assembly to organize the militia of the State, and all able bodied male citizens, between the ages of eighteen and forty years, who are not disfranchised by the Constitution and laws of the United States and of this State, shall be liable to militia duty.

Pending its consideration, the Convention adjourned till to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

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#### FIFTY-SEVENTH DAY.

NEW ORLEANS, Wednesday, Feb. 5, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 o'clock A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Belden, Bertonneau, Blackburn, Bonnefoi, Brown, Burrel, Crane, Cromwell, Dearing, Depasseau, G. Duparte, U. Dupart, Dulessis, Esnard, Francois, Fuller, Ferguson, Gair, Guichard, Harper, Harris, Harrison, Ingraham, R. H. Isabelle, Thos. Isabelle, Kelso, Lange, Leroy, Marie, Martin, Massicot, Meadows, Morris, Moses, Murrell, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Rodriguez, Schwab, Scott, Snider, Twitchell, Underwood, Vandergriff, Wickliffe, Williams, Wilson—56 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

Mr. Reagan called up his resolution, laying over from February 3, as follows :

WHEREAS, Many of the members of this Convention, by circumstances of necessity, have been compelled to make unreasonable and exorbitant discounts upon their warrants, which unjustly reduces their *per diem* below its legal allowance; and

WHEREAS, It is deemed impossible for this Convention to enable its members to avoid such sacrifices; therefore, be it

*Resolved*, That any member of this Convention, the Secretary and Chief Enrolling Clerk, on presentation of evidence deemed competent by the Convention, that they made such discounts as above, shall receive from the Warrant Clerk a warrant equivalent to such discounts; *Provided*, Such extra allowance shall not exceed two hundred dollars to each member or employee; *Provided further*, That no allowance shall be made on the discount of warrants after the first day of February, 1868.

Which was indefinitely postponed.

Mr. Smith offered the following:

*Resolved*, That a committee of three be appointed to examine the city charter and report the changes necessary to secure the equal rights and privileges of all citizens, without regard to race, color or previous condition.

Adopted.

The Chair appointed as the committee Messrs. Smith, R. H. Isabelle and Belden.

Mr. Moses moved that the President be permitted to record his vote upon article 145, minority report, which was consented to.

The President voted *aye*.

#### UNFINISHED BUSINESS.

Mr. Berthonneau moved to reconsider the vote on article 155, minority report.

Adopted.

Mr. Berthonneau moved to adopt in its place article 140, majority report, as follows:

ART. 142. Institutions for the support of the insane, the education and support of the blind and the deaf and dumb, shall always be fostered by the State, and be subject to such regulations as may be prescribed by the General Assembly.

Adopted.

Mr. Wickliffe moved to reconsider the vote on article 153, minority report.

Adopted.

Mr. Wickliffe moved to amend by stri-

ing out the words "this article," and inserting the words "the articles under the title."

Adopted.

Mr. Hempstead moved to amend by striking out "New Orleans," and inserting "Baton Rouge."

Laid on the table.

The article, as amended, and reading follows:

ART. 153. A university shall be established and maintained in the city of New Orleans. It shall be composed of six faculties, to w. One of law, one of medicine, one of natural science, one of letters, and one of industrial science, and one on the theory and practice of teaching. The Legislature shall provide by law for its organization and maintenance; *Provided*, That all departments of this institution of learning shall be open in common to all students capable of matriculating. No rules or regulations shall be made by the trustees, faculties or other officers of said institution of learning, nor shall any laws be made by the Legislature violating the letter or spirit of the article under this title, under penalty of the nulling of the charter of said institution.

Was adopted.

Mr. Thos. Isabelle:

Article 141, majority report, as follows:

#### TITLE IX—MILITIA.

ART. 144. It shall be the duty of the General Assembly to organize the militia of the State, and all able bodied male citizens between the ages of 18 and 40 years who are not disfranchised by the Constitution and laws of the United States and this State, shall be liable to militia duty.

Mr. Newsham moved to amend by striking out all after the word "title" of Title IX, and inserting :

ART. — It shall be the duty of the General Assembly, to organize the militia of the State, and all able bodied male citizens between the ages of 18 and 45 years, not disqualified by the laws of the United States and of this State, shall be subject to militia duty.

ART. — The General Assembly shall provide for the organization of a volunteer militia, which shall be armed and equipped at the expense of the State.

ART. — The Governor shall be Commander-in-Chief of the militia, and shall appoint and commission all officers. Appointments above the grade of Colonel shall be subject to confirmation or rejection by the Senate; every militia officer

bore entering upon his duties shall take and subscribe the oath prescribed for officers of the United States army and the oath prescribed by this Constitution.

ART. —. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public safety may require it. The militia, when in active service, shall receive the same pay and allowance as the United States army.

Ir. Tinchant moved to amend by striking out all after the word "title," and inserting:

The General Assembly shall organize the militia and all able bodied male citizens between the ages of twenty and forty years who are not disfranchised by the Constitution and laws of this State, by the Constitution and laws of the United States, shall be liable to militia. It shall also be the duty of the General Assembly to prevent, by proper legislation, that any distinctions should be made any division, brigade, regiment, company or battery of said State militia between citizens on account of race, color or vicious condition.

Until after the 1st day of January, 1878, the privilege of organizing into volunteer companies of militia in this State shall be granted only to such persons qualified as hereinbefore stated, who may during the war or rebellion have given unquestionable evidence of their loyalty to the United States, and the General Assembly may pass such laws and make such appropriations by which they may be enabled to effect one efficient organization.

The militia officers shall take the same oaths as the officers of the United States army.

Laid on the table.

The question upon Mr. Newsham's substitute was taken article by article.

Article 1st, reading as follows:

ART. —. It shall be the duty of the General Assembly to organize the militia of the State, and all able bodied male citizens between the ages of 18 and 45 years, not disfranchised by the laws of the United States of this State, shall be subject to militia.

Was adopted.

Ir. Pinchback moved to amend the 2d article by striking out all after the word "title" and inserting:

ART. 144. The Governor shall appoint all commissioned officers, subject to confirmation or rejection by the Senate, except the officers, who shall be appointed by

their respective chiefs, and commissioned by the Governor. All militia officers shall take and subscribe to the oath prescribed for officers of the United States army, and the oath prescribed for officers in this State.

Mr. Gair moved the previous question.

Mr. Crane moved to lay the motion of Mr. Pinchback on the table.

The Chair ruled the motion to table not in order.

Mr. Crane appealed.

The Chair was sustained.

The question recurring upon the amendment of Mr. Pinchback, it was adopted.

The question recurring upon the 3d article of Mr. Newsham's amendment, it was rejected.

The question recurring upon the 4th article of the amendment, it was adopted.

The question recurring upon the substitute of Mr. Newsham, as a whole, as amended, it was adopted as Title IX, reading as follows :

#### TITLE IX—MILITIA.

ART. 143. It shall be the duty of the General Assembly to organize the militia of the State, and all able bodied men, citizens, between the ages of 18 and 45 years, not disfranchised by the laws of the United States and of this State, shall be subject to military duty.

ART. 144. The Governor shall appoint all commissioned officers, subject to confirmation or rejection by the Senate, except the staff officers, who shall be appointed by their respective chiefs, and commissioned by the Governor. All militia officers shall take and subscribe to the oath prescribed for officers of the United States army and the oath prescribed for officers in this State.

ART. 145. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public safety may require it. The militia, when in active service, shall receive the same pay and allowances as the United States army.

Mr. Tinchant, with the consent of the Convention, recorded his vote—no.

Mr. Crawford recorded his vote upon article 145, of the minority report—no.

Mr. Steele recorded his vote on the same article—no.

Mr. Blandin moved to adopt Title X and article 143, majority report, as follows :

## TITLE X—MODE OF REVISING THE CONSTITUTION.

ART. 146. Any amendment, or amendments, to this Constitution, may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the ayes and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election for representatives to the General Assembly, in at least one newspaper in every parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of this Constitution. If more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

Mr. Crane moved to amend by striking out "two-thirds" and inserting "majority."

Laid on the table.

The title and article as reported were adopted.

Mr. R. H. Isabelle moved to adopt Title XI, majority report.

Adopted.

Mr. Pinchback moved to adopt article 144, majority report.

Pending which the Convention adjourned till to-morrow at 10 o'clock A. M.

A true copy:

WM. VIGERS, Secretary,

## FIFTY-EIGHTH DAY.

NEW ORLEANS, Thursday, Feb. 6, 1868.

The Convention met pursuant to adjournment, and was called to order by Mr. Crane at 10 A. M.

The roll was called and the following members answered to their names:

Messrs. Bertonneau, Blandin, Bonnefoi, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Donato, Douglas, Dupart U., Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Gould, Guichard, Harper, Harris, Harrison, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Kelso, Landers, Lange, Leroy, Marie, Meadows, Mc-

Leran, Morris, Moses, Murrel, Myer Newsham, Oliver, Pierce, Poindexter, Pollard, Reagan, Riard, Riggs, Rodriguez Smith, Snaer, Scott, Snider, Steele, Underwood, Valfroit, Vandergriff, Waple Wickliffe, Williams, Wilson—62 members present.

The minutes were read and adopted.

The following communication from the Official Printer was received and referred to the Committee on Printing:

OFFICE OF NEW ORLEANS TRIBUNE,  
122 and 124 Exchange Alley,  
New Orleans, February 6, 1868.

To the President and members of the Constitutional Convention of Louisiana:

GENTLEMEN—Herewith you will please find our bill with addition of printing executed to date, to which we respectfully call your attention.

Your most obedient servants,  
J. B. ROUDANEZ & Co.,  
Official Printers.

Mr. Cooley moved that a sum of \$150 appropriated in favor of the Commercial Bulletin for papers furnished to this Convention.

Lies over.

## ORIGINAL RESOLUTIONS.

By Mr. Tinchant:

*Resolved*, That a committee of three be appointed to confer with the editors of newspapers who furnished copies to the Convention, and ascertain the amount due to them by this body.

Laid on the table.

Mr. R. I. Cromwell called up his resolution lying over from February 3, 1868:

ART. — All persons who do now, or have heretofore lived and cohabited together as husband and wife, shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes in law.

*Resolved*, That it shall be an article of the Constitution of Louisiana.

Mr. Thos. Isabelle moved to lay on table.

Adopted—ayes 49, nays 19—as follows:

Yeas: Bertonneau, Blandin, Bonnefoi, Burrel, Cooley, Crane, Crawford, Depasseau, Deslonde P. G., Donato, Dupart U., Duplessis, Edward, Esnard, Gair, Gould, Harris, Harrison, Hiesta Ingraham, Isabelle R. H., Isabelle Thos., Jones, Kelso, Leroy, Marie, Massicot, Leran, Mushaway, Myers, Newsham, Riard, Reese, Riard, Riggs, Rodriguez, Snaer, Snider, Steele, Thibaut, Twitchell, Unde-

od, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—49 yeas.

Nays: Antoine, Brown, Cromwell, Dona-Francois, Guichard, Harper, Lange, Meadows, Morris, Moses, Murrel, Oliver, Pierce, Poindexter, Reagan, Smith, Scott, Tinchant—19 nays.

Ir. R. H. Isabelle recorded the following sons for his vote:

vote yes because the courts are now open to all persons, without distinction of race, color, or previous condition, to marry & legalise their children.

Ir. Ingraham moved to reconsider the last taken.

Ir. Berthonneau moved to lay the motion reconsider on the table.

Adopted—ayes 43, nays 23—as follows:

Yea: Antoine, Berthonneau, Blandin, Binefoi, Cooley, Crane, Crawford, Desseau, Donato, G. Duparte, Duplessis, Ward, Esnard, Ferguson, Gair, Gould, Harris, Harrison, Hiestand, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Lantz, Leroy, Marie, Massicot, Mushaway, Myers, Newsham, Packard, Reese, Ward, Riggs, Rodriguez, Snaer, Snider, Steele, Thibaut, Vidal, Waples, Wickliffe, Wilson—43 ayes.

Nays: Burrel, Cromwell, P. G. Deslonde, Douglas, Francois, Harper, Ingraham, Lange, Meadows, Morris, Moses, Murrel, Oliver, Pierce, Poindexter, Pollard, Reagan, Smith, Scott, Tinchant, Underwood, Valfroit, Williams—23 nays.

Ir. Cromwell called up his second resolution lying over from February 3, 1868 :

*ART. — Concubinage and adultery are prohibited within this State.*

*Resolved*, That this shall be an article of Constitution.

Ir. Berthonneau moved to lay the resolution on the table.

Adopted—ayes 41, nays 17, as follows:

Yea: Antoine, Berthonneau, Blandin, Bonvoi, Cooley, Crane, Depasseau, G. Dutape, Duplessis, Edward, Esnard, Ferguson, Gair, Gould, Harris, Harrison, Ingraham, R. H. Isabelle, Thos. Isabelle, Lantz, Landers, Leroy, Moses, Mushaway, Myers, Newsham, Oliver, Packard, Reagan, Reese, Riggs, Rodriguez, Smith, Snaer, Snider, Steele, Thibaut, Underwood, Valfroit, Waples, Wickliffe, Wilson—41.

Nays: Burrel, Cromwell, P. G. Deslonde, Douglas, Francois, Harper, Jones, Lange, Meadows, McMillen, Murrel, Pierce, Poindexter, Pollard, Scott, Tinchant, Williams—

Mr. Packard offered the following resolution:

#### AN ORDINANCE.

WHEREAS, The act of Congress of the 23d of March, 1867, sets forth as one of the purposes of the assembling of this Convention to "establish a civil government" for the State.

*Be it ordained by the people of the State of Louisiana in Convention assembled, That a Board of Registration for the State be appointed by this Convention to consist of seven members thereof, whose term of office shall begin with the adjournment of the Convention and end with the inauguration of State officers as provided for in the Constitution.*

*Be it further ordained, etc., That it shall be the duty of said board to elect a Chairman from among its members and a Secretary, and that all public notices, proclamations and orders shall be signed by the President, and attested by the Secretary.*

*Be it further ordained, etc., That the said board shall have power and authority to make rules, regulations and orders concerning the registration of voters, the duties of registration, the holding of elections, the duties of commissioners of the respective polls, the making of returns and the announcement of the results of the elections; Provided, That such rules, regulations and orders shall in no wise conflict with the provisions of the acts known as the Reconstruction Acts, or with the schedule or ordinance contained in the Constitution to be submitted by this Convention, or with the lawful authority of the District Commander, exercised in pursuance and furtherance of said acts and provisions, but shall be in co-operation with and furtherance of the same. Their authority shall extend to all matters of execution or detail, not fully provided for in said Reconstruction Acts and Constitution, and in case of the non-action of any officer of the State, or the District Commander, or any omission in carrying out said laws, regulations or ordinances or details, "necessary to carry into effect the purposes" of said acts according to their letter and spirit.*

*Be it further ordained, etc., That they shall be empowered for the administration of oaths of office, and the issuing of commissions to act in cases of vacancy, or the non-action or omission to perform their duties of any or all elective officers.*

*Be it further ordained, etc., That it shall be the duty of said board to fix the salary and regulate the duties of all officers of election ordered to be held by the Reconstruction Acts and the Constitution, and their acts in pursuance thereof shall be*

reamendatory to the Legislature, whose duty it shall be to appropriate a just and equitable sum in payment of all salaries and expenses in cancel.

And moved to suspend the rules to place it upon its final passage.

Lost.

Mr. Meadows called up his resolution lying over from January 31 :

*Resolved*, That the Rev. Jos. Fisk shall receive a sum of \$300 for his services from the State Treasurer; the same to be paid after this Convention shall have finished its work.

Mr. Blandin moved to lay the resolution on the table.

Adopted.

Mr. Reagan offered the following resolution as an article of the Constitution:

A Parish Attorney shall be elected by the police jury of each parish, (the parishes of Orleans and Jefferson excepted) who shall receive such pay as may be allowed by the police jury of their respective parishes. Their duties shall be to represent their respective parishes in all civil business in which they may be interested, and shall, besides, represent all persons in criminal matters within their jurisdiction who are unable to employ counsel for their defense; *Provided*, The parishes of Orleans and Jefferson shall make such provisions as shall secure to persons the service of counsel learned in the law, where they are charged with the commission of any offense, and are unable to employ counsel for their defense.

Mr. Harris moved to lay on the table.

Adopted.

#### UNFINISHED BUSINESS.

Article 144, majority report, being under consideration, was adopted as follows:

ART. 147. The Ordinance of Secession of the State of Louisiana, passed 26th January, 1861, is hereby declared to be null and void. The Constitution adopted in 1864, and all previous Constitutions in the State of Louisiana, are declared to be superseded by this Constitution.

By Mr. Thos. Isabelle:

Article 145, majority report, as follows:

ART. 148. All rights, actions, prosecutions, claims, contracts, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if it had not been adopted. All judgments and judicial sales, marriages and executed contracts made in good faith and in accordance with existing laws in this State,

rendered, made, or entered into between the 26th January, 1861, and the date when this Constitution shall be adopted, a hereby declared to be valid, except the following laws :

"An act to authorize the widening of the New Canal and Basin," approved March 14, 1867.

"An act to amend and re-enact the 121 section of an act entitled 'An act relating to crimes and offenses,'" approved December 20, 1865.

"An act for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting laborers, servants or apprentices," approved December 21, 1865.

"An act to punish, in certain cases, the employers of laborers and apprentices," approved December 21, 1865.

"An act in relation to exemption from State, parish and city taxes for the years 1862, 1863, 1864 and 1865, in certain cases, certified 16th March, 1866.

"An act granting ferry privileges to K. Marshall, his heir or assigns," approved March 10, 1866.

"An act to authorize the Board of Levee Commissioners, of the levee district in the parishes of Madison and Carroll, to issue bonds," etc., etc., approved March 2<sup>d</sup> 1867.

Section third of "An act to organize the police of New Orleans and to create a Police Board therein," approved 12th February 1866.

Mr. Jones moved to amend by striking out all after the word "adopted," in the sixth line.

Mr. Underwood moved to lay the amendment on the table.

Mr. Jones withdrew his amendment and moved to amend by striking out all after the word "valid," in the 13th line.

The amendment was lost—ayes 4, nays 56—as follows:

Ayes : Cooley, U. Dupart, Harrison, Jones—ayes 4.

Nays: Antoine, Belden, Beronneau, Blandin, Bonnefoi, Brown, Burrel, Butler, Crane, Crawford, Cromwell, Dearing, D'passeau, Donato, Douglas, G. Dupart, Edward, Francois, Fuller, Ferguson, Gai, Gould, Guichard, Harris, R. H. Isabell, Thos. Isabelle, Kelso, Landers, Lang Marie, Meadows, McLeran, Morris, Moses Murrel, Mushaway, Myers, Oliver, Pace, Pierce, Pinchback, Pollard, Reaga, Riggs, Rodriguez, Scott, Steele, Thibaut, Tinchant, Twitchell, Underwood, Vida

Waples, Wickliffe, Williams, Wilson—  
ays 56.

And the article was adopted as reported. Mr. Jones explained his vote as follows: I vote *yes* because the insertion of these laws will incumber the Constitution, and will not go into effect by their being placed in the Constitution any sooner than it could if left to the Legislature, as Congress will have to adopt the Constitution before these laws can be annulled by the force of this Constitution, and that the legislature will meet and will be able to expunge those laws months before this Constitution can be placed in force by the ratification of Congress.

Mr. Brown moved to reconsider the vote just taken.

Laid on the table.

By Mr. Gair:

Article 146, majority report, as follows:  
ART. 149. The laws relative to the duties of officers shall remain in force, though contrary to this Constitution, and the several duties be performed by the respective officers until the organization of the government under this Constitution.

Adopted.

By Mr. Oliver:

Article 147, majority report, as follows:  
ART. 150. The Legislature shall provide for the removal of causes now pending in the courts of this State to courts created or under this Constitution.

Adopted.

Mr. Wickliffe moved to adopt the following as an article of the Constitution:

ART. —. The General Assembly shall provide for the introduction of the common law in lieu of the present civil law system, said system of common law to go into operation and effect on the first day of January, 71.

Mr. Waples moved to lay the motion of Mr. Wickliffe on the table.

Adopted—ayes 38, nays 27—as follows:  
Yea: Belden, Bertonneau, Blandin, Bonnefoi, Butler, Cooley, Crane, Crawford, Demarest, Depasseau, Donato, G. Duparte, Ferguson, Gair, Guichard, R. H. Isabelle, Kelso, Isabelle, Jackson, Kelso, Marie, Meadows, Moses, Murrel, Mushaway, Pense, Riard, Riggs, Rodriguez, Snaer, Scott, Steele, Tinchant, Vidal, Waples—38.  
Nays: Antoine, Brown, Burrell, Cromwell, G. Deslonde, Douglas, U. Dupart, Esmond, Francois, Gardiner, Harper, Harris, Jones, Landers, Lange, McLeran,

Morris, Oliver, Packard, Pierce, Pollard, Twitchell, Underwood, Valfroit, Wickliffe, Williams, Wilson—27.

Mr. Brown moved to adopt the following as an article of the Constitution:

ART. —. Hereby repeals article 115, approved May 7, 1867, authorizing the issue of four millions of bonds for levee purposes.

Mr. Brown withdrew the article and submitted the following in its place:

ART. —. The Act 115 of the General Assembly of 1867, issuing four millions of dollars of levee bonds, is hereby repealed.

Mr. Burrell moved to lay the article on the table.

Adopted—ayes 37, nays 22—as follows:

Yea: Antoine, Blandin, Bonnefoi, Burrell, Cooley, Crawford, Cromwell, Dupart U., Gair, Harper, Harrison, Hiestand, Isabelle Thos., Keiso, Lange, Leroy, Marie, Massicot, Meadows, McLeran, Morris, Murrel, Myers, Oliver, Pierce, Pinchback, Poindexter, Reagan, Reese, Riard, Snaer, Scott, Steele, Tinchant, Twitchell, Underwood, Waples—ayes 37.

Nays: Belden, Brown, Crane, Deslonde P. G., Douglas, Duparte G., Duplessis, Gould, Harris, Isabelle R. H., Jackson, Moses, Mushaway, Packard, Pollard, Riggs, Roberts, Rodriguez, Vidal, Wickliffe, Williams, Wilson—nays 22.

Mr. Tinchant moved to reconsider the vote last taken.

Mr. Blandin moved to lay the motion to reconsider on the table.

Pending which the Convention adjourned till to-morrow at 10 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

## FIFTY-NINTH DAY.

NEW ORLEANS, Friday, Feb. 7, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Belden, Blackburn, Blandin, Bonnefoi, Burrell, Butler, Cooley, Crane, Cromwell, Cuney, Depasseau, Deslonde P. G., Dupart U., Duplessis, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harris, Harrison, Ingraham, Isabelle R. H., Isabelle T., Jones, Kelso, Landers, Lange, Leroy, Lewis R., Marie, Martin,

Meadows, McLeran, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Snaer, Scott, Snider, Steele, Underwood, Vandergriff, Wickliffe, Williams, Wilson—61 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

Mr. Newsham was called to the chair.

#### ORIGINAL RESOLUTIONS.

Mr. Lewis moved that assistant clerks employed by the Committee on Enrollment be allowed the regular *per diem* for the whole number of days they have been employed by said committee.

Laid on the table.

By Mr. Blackburn:

*Resolved*, That warrants to the amount of \$500 be issued to the proprietors of the New Orleans TRIBUNE and Republican, respectively, for their papers furnished to this Convention.

Mr. Blackburn moved to suspend the rules to place the resolution upon its final passage.

Laid on the table.

By Mr. Harris:

*Resolved*, That it is the duty of the Warrant Clerk of this Convention to be in his office, in the building in which the Convention is held, every day of the week, (Sundays excepted) from ten o'clock in the morning until four o'clock in the evening, and, that for every day's absence the *per diem* allowed him by resolution of the Convention shall be deducted by the President of the Convention.

Lies over.

#### UNFINISHED BUSINESS.

Mr. Blandin withdrew his motion to lay on the table Mr. Tinchant's motion to reconsider.

The Chair decided that Mr. Tinchant's motion to reconsider a vote to lay on the table was not in order.

Mr. Cooley moved to take up from the table the article of Mr. Brown, reading as follows:

The Act 115 of the General Assembly of 1867, issuing four millions of dollars of levee bonds, is hereby repealed.

The motion prevailed.

Mr. Smith was called to the chair.

Mr. Pierce moved to lay the whole subject on the table.

The Chair held that such a motion could not be entertained.

Mr. Pierce appealed.

The Chair was sustained.

Mr. Pinchback moved to postpone indefinitely the article offered by Mr. Brown and, upon this, moved the previous question, which was seconded by a majority of the delegates present.

The motion to postpone prevailed—ayes 50, nays 15—as follows:

Yea: Belden, Berthonneau, Blackburn, Blandin, Bonnefoi, Cooley, Crawford, Cromwell, Cuney, Dearing, Demarest, Douglas, Dupart U., Duplessis, Esnard, Francois, Fuller, Ferguson, Gair, Gardner, Guichard, Harrison, Hempstead, Hiestand, Isabelle R. H., Jackson, Kelso, Landers, Leroy, Lewis R., Massicot, McLeran, McMillan, Morris, Moses, Murrel, Myers, Oliver, Pierce, Pinchback, Pollard, Reagan, Reese, Riard, Schwab, Snaer, Scott, Snider, Steele, Waples—50 yeas.

Nays: Brown, Butler, Crane, Depasseau, Deslonde P. G., Duparte G., Harris, Jones, Meadows, Riggs, Rodriguez, Smith, Tinchant, Wickliffe, Williams—15 nays.

Mr. Belden recorded the reasons for his vote:

I am not in favor of annulling the act entirely, but in favor of reducing the amount of bonds from four millions to two millions, for the following reasons:

1. Because there is not more than two millions of dollars due on levee contracts completed and to be completed, and I believe it wrong, offensive, and a tyranical exercise of power to tax the people of this impoverished and ruined State, in the further sum of two millions of dollars, with interest at six per cent. for forty years, making principal, interest and discount of 20 cents on the issue, five millions two hundred thousand dollars in excess of what is necessary to pay for building levees at this time.

2. Because it opens the door to fraud and speculation, and further ruin to the State.

3. Because the inhabitants of the parishes, not interested in the levees of the Mississippi river, are forced to pay this tax equally with the persons whose lands are protected by levees, which I think is unjust, unequal and oppressive.

4. Because at the rate of expenditure in building levees on the Mississippi river, since the close of the late war, it will cost at least eighty millions of dollars in the next forty years (without interest) to

keep them up, which I think would bankrupt the State, and grind the people in the dust by enormous taxation.

5. Because I am in favor of a different system of protection by means of outlets, opening of bayous now obstructed, the building of a few levees in exceedingly low and important places, such as Grand Levee, which would not require an annual expenditure of millions to effect.

6. Because I believe that with the system of protection I favor, the sale of the swamp lands of the State of Louisiana would be more than sufficient to meet the expenses of relief from inundation, without taxing the people of the State as proposed by the act of the Legislature of 1867—and which under the present system requires millions annually, and which must eventually completely bankrupt the State, and crush the people by enormous taxation. Thus, I am not in favor of abandoning the protection of lands subject to inundation, but opposed to the manner proposed, and the large and unnecessary amount sought to be endorsed by this Convention unnecessary, and in its character dangerous precedent, full of mischief to the State.

By Mr. Blandin:

Article 148, majority report, as follows:

ART. 151. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State, in conformity to the act of Congress entitled "An act to provide for the more efficient government of the rebel States," and the acts supplementary thereto.

Adopted.

Mr. Wickliffe moved to adopt in the place of title "Ordinance," majority report, as title "Ordinance" of the Constitution, the following series of articles:

#### ORDINANCE.

ART. —. Immediately upon the adjournment of the Convention, this Constitution shall be submitted to the registered voters of the State, in conformity to the act of Congress passed March 2, 1867, entitled "An act to provide for the more efficient government of the rebel States," and the acts supplementary thereto.

ART. —. The election for the ratification or a rejection of the Constitution shall be held on Friday and Saturday, the 13th and 14th of March, 1868, and the polls shall be kept open from 7 o'clock A. M. to 7 o'clock P. M. At that election all those in favor of ratifying the Constitution shall have written or printed on their ballots "for the Constitu-

tution," and those opposed to ratifying the Constitution shall have written or printed on their ballots "against the Constitution."

ART. —. In order to establish a civil government, as required by act of Congress passed March 23, 1867, an election shall be held at the same time and places at which the Constitution is submitted for ratification or rejection, for all State, judicial, parish and municipal officers, for members of the General Assembly, and for Congressional Representatives, at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others.

ART. —. At the election for officers of the civil government authorized and required by Congress, to be established by this Convention, all registered electors may vote in any parish in which they may happen to be on the days of election, upon the presentation of their registration papers; *Provided*, That in all cases when electors may offer to vote in any parish where they were not registered, a list of such persons shall be taken by the commissioners of election, and the number of their registration papers, and the name of the parish in which they were registered. In counting the votes, the proper authorities to whom this task shall be assigned by this Convention, shall in all such cases examine the registration lists of the parishes in which all such voters shall purport to have registered, and in case the registration lists of said parishes show such papers to be correct, such votes shall be counted; but in case the registration lists do not show such papers to be correct, such votes shall be thrown out, and not counted, and in all cases where an elector shall have voted oftener than once at said election, his vote shall be thrown out, and not counted.

ART. —. The same registrars and commissioners who shall be appointed by the Commanding General of the Fifth Military District to superintend the election for the ratification or rejection of the Constitution, shall, also, at the same time and places, superintend the election for all officers and representatives herein ordered, provided they be authorized so to act by the Commanding General. And in case the Commanding General should not so authorize said registrars and commissioners, the Committee of Seven, appointed by this Convention to take charge of the whole matter of the ratification of the Constitution and the election of civil officers, shall appoint one registrar for each parish in the State, except the parish of Orleans, and one in each district of the parish of Orleans—counting Orleans, right bank, as one district—who shall each, in his parish or dis-

trict, appoint a sufficient number of commissioners of election to hold the said election for said civil officers and Representatives, at the same time and places as herein provided for.

ART. —. Returns shall be made in duplicate, sworn to by the commissioners holding the election, and forwarded within three days thereafter, to the registrars of the parish or district. The registrar shall immediately forward one copy of said returns to the chairman of the Committee of Seven appointed by this Convention, who shall, within ten days after the last return, have been received, make proclamation of the result of said election.

ART. —. All civil officers thus elected shall enter upon the discharge of their duties on the second Monday after the official promulgation of the ratification of this Constitution by the qualified electors of the State, and continue in office until their legally elected successors shall be duly inducted to office.

ART. —. The General Assembly elected under this Constitution shall hold its first session in the city of New Orleans on the third Monday after the official promulgation aforesaid, and proceed immediately upon its organization to the adoption of the 14th amendment to the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the *per diem* of members, or any other subject, after organization, until said Constitutional Amendment is adopted as required by Congress.

ART. —. All registrars and commissioners appointed under this Constitution, shall, before entering upon their duties, take and subscribe the oath of office prescribed by Congress, approved July 2d, 1862, entitled "An act to prescribe an oath of office." The said oath of office shall be administered to each registrar by the Chairman of the Committee of Seven, herein provided for, and to each commissioner by the registrar appointing him.

ART. —. The General Assembly elected under this Constitution shall provide for the payment of registrars, commissioners, and all officers necessary to carry this ordinance into effect.

Mr. Ferguson moved to lay the motion of Mr. Wickliffe on the table.

Lost.

Mr. Cromwell moved to print the articles proposed in the Official Journal of tomorrow, and to make them the special order for to-morrow at 12 M., and it was so ordered.

The Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SIXTIETH DAY.

NEW ORLEANS, Saturday, Feb. 8, 1863.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

President J. G. Taliaferro, Messrs. Antoine, Blandin, Bonnefoi, Brown, Burrel, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Duplessis, Esnard, Fuller, Gair, Gardiner, Gould, Harper, Harrison, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso, Lange, J. B. Lewis, R. Lewis, Marie, Martin, Meadows, McLeran, Morris, Moses, Mushaway, Myers, Packard, Pierce, Pollard, Reagan, Reese, Riggs, Rodriguez, Schwab, Snaer, Snider, Steele, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson — 56 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

Mr. Pinchback was called to the chair.

#### ORIGINAL RESOLUTIONS.

By Mr. Packard:

WHEREAS, By the Act of Congress approved June 3, 1856, a grant of public land was made to aid in the construction of the New Orleans, Opelousas and Great Western Railroad in Louisiana, to be completed within ten years from the date of said act, which limitation expired June 3, 1866, and

WHEREAS, In view of the importance of the early completion of said road to the interest of the State, the same having subscribed to the original stock of the company to the amount of \$1,200,000, the city of New Orleans also having subscribed to the amount of \$1,500,000, and certain parishes of the State having subscribed to the amount of \$325,000, amounting in the aggregate to \$3,025,000, being more than one half of the capital stock of the company, and

WHEREAS, The early completion of the road will tend to the development of the richest portion of the State, through which it is located, to the Texas line, and induce wealth and industry to the unsettled portions of the State, as well as to the already populous city of New Orleans; therefore, be it

*Resolved*, by the members of this Convention representing the loyal people of the State of Louisiana, That beside the heavy stock investments of the State, city of New Orleans and several parishes in said road, we look to it and its connections as one of the most efficient means of building up our State, and developing the commercial, agricultural and manufacturing resources of the State of Louisiana and Texas, and indirectly benefitting all the States of the Union ; and be it further

*Resolved*, That we earnestly petition Congress to grant a special act of relief to said road reinstating their land grant as it stood on the 3d day of June, 1866, when the ten years limitation expired, and extending the time allowed for the completion of the road eight years as has been accorded to the Northern land grant roads, including those of Arkansas and Missouri; and be it further

*Resolved*, That copies of these resolutions be furnished the Hon. President of the Senate and the Hon. Speaker of the House of Representatives of the United States by the President of this Convention, that the same may be laid before Congress.

Lies over.

By Mr. Wickliffe:

*Resolved*, That the Committee on Printing be instructed to report what amount, if any, is justly due to the proprietors of the New Orleans TRIBUNE, New Orleans Republican, and New Orleans Advocate, for the copies of their several papers furnished this Convention.

Lies over.

The special committee to examine and report upon the city charter, through Mr. Smith, chairman, reported progress.

The Committee on Printing submitted the following report:

NEW ORLEANS, February 8, 1868.

To the Hon. President and members of the Constitutional Convention :

Your Committee on Printing, to whom was referred the bill of the New Orleans TRIBUNE, have the honor to report as follows:

The amount, \$1,936, mentioned in the said bill, was approved and a warrant ordered to be drawn for the same by this Convention February 4, 1868. It therefore needs no further action of the Convention for the balance of the bill, amounting to \$137. Your Committee have examined the same and found it correct. They therefore offer the accompanying resolution:

*Resolved*, That the balance of the bill of the Official Printers for job work, amounting to one hundred and thirty-

seven dollars, be approved and the Warrant Clerk be authorized to draw a warrant for the same in favor of Messrs. J. B. Roudanez & Co., Official Printers.

Mr. Burrell called up his resolution lying over from January 31, as follows:

*Resolved*, That the collectors of taxes in different parishes be instructed to pay to the delegates of their respective parishes, if demanded by them, the amount due on their respective warrants, instead of paying the amount into the Treasury of the State.

*Resolved*, That the State Treasurer shall receive the warrants of said delegates from the tax collectors, when endorsed accordingly by said delegates, and to accredit the tax collector, in the same manner as when said warrants were paid for taxes.

Mr. Harper moved to amend by striking out all after the word "resolved," and inserting the following:

*Resolved*, That after the adjournment of this Convention, in order to submit the Constitution for ratification, the collectors of the Convention tax, in the different parishes, the parishes of Orleans and Jefferson excepted, be and are hereby directed to pay to the delegates of their respective parishes the amounts of their *per diem* and traveling allowance due on their respective warrants, instead of paying the amount into the Treasury of the State, provided said warrants are presented for payment previous to the time of settlement of the aforesaid tax collectors with the State.

*Resolved*, That the aforesaid collectors of taxes shall receive the warrant from said delegates when duly endorsed; and the State Treasurer shall receive from, and accredit the several amounts so paid to the collectors of taxes in the same manner as heretofore prescribed by this Convention as when said warrants were paid for taxes.

*Resolved*, That the State Auditor be hereby instructed to forward copies of these resolutions to the collectors of taxes throughout the State, and that the expenses thus incurred be defrayed by a warrant duly signed by the President of the Convention.

Mr. Wickliffe moved to amend the amendment by inserting after the word "defrayed" "out of any funds in his hands derived by virtue of the Tax Ordinance passed by this Convention December 24, 1867."

Mr. Jackson moved to lay the amendment of Mr. Harper on the table.

Adopted.

Mr. Gair moved to lay the original resolutions of Mr. Burrel on the table.

Adopted.

Mr. Packard moved to reconsider the vote by which the ordinance offered by Mr. Wickliffe was made the special order for today at 12 m.

Adopted.

#### UNFINISHED BUSINESS.

By Mr. Wickliffe:

Article 2 of his ordinance as follows:

ART. 151. The election for the ratification or rejection of the Constitution shall be held on Friday and Saturday, — days of March, 1868, and the polls shall be kept open from seven o'clock A. M. to seven o'clock P. M. At that election all those in favor of ratifying the Constitution shall have written or printed on their ballots "for the Constitution," and those opposed to ratifying the Constitution shall have written or printed on their ballots "against the Constitution."

Mr. Berthonneau moved to amend by striking out "7 o'clock A. M." and inserting from "8 o'clock A. M. until 4 o'clock P. M."

Laid on the table.

Mr. Blandin moved to amend by fixing the hours from 7 o'clock A. M. till 6 o'clock P. M.

Laid on the table.

Mr. Packard moved to amend by striking out "13th and 14th of March," and inserting in lieu thereof "20th and 21st of March."

Laid on the table.

Mr. Moses moved to amend by striking out "13th and 14th of March," and leaving it blank.

Adopted.

The article, as amended, and reading as follows:

ART. —. The election for the ratification or rejection of the Constitution shall be held on —, and the polls shall be kept open from 7 o'clock A. M. to 7 o'clock P. M. At that election all those in favor of ratifying the Constitution shall have written or printed on their ballots "for the Constitution," and those opposed to ratifying the Constitution shall have written or printed on their ballots "against the Constitution."

Was adopted.

Mr. Tinchant moved to adopt the third

article of Mr. Wickliffe's ordinance as follows:

ART. —. In order to establish a civil government as required by act of Congress, passed March 23, 1867, an election shall be held at the same time and places at which the Constitution is submitted for ratification or rejection for all State, judicial parish and municipal officers for members of the General Assembly, and for Congressional Representatives, at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others.

Adopted—ayes 49, nays 12—as follows:

Yea: Antoine, Belden, Berthonneau Blandin, Bonnefoi, Burrel, Dearing, Deslonde P. G., Donato, Douglas, Duplessis Esnard, Francois, Gair, Gardiner, Gould Hiestand, Isabelle R. H., Jackson, Jones Kelso, Landers, Lange, Leroy, Lewis R. Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Packard, Pierce, Pinchback, Poirier dexter, Pollard, Reagan, Reese, Schwal Snaer, Snider, Valfroit, Wickliffe, William Wilson—49 nays.

Nays: Cooley, Crane, Crawford, Cromwell Demarest, Duparte G., Fuller, Isabel Thos., Riggs, Rodriguez, Smith, Wiles—12 nays.

Mr. Cromwell explained his vote as follows:

I vote no because I do not believe we have any right under the Military Bill to hold any municipal election until the ratification of the Constitution is complete.

Mr. Gair moved to adopt the 4th article as follows:

ART. 153. At the election for officers of the civil government authorized and required by Congress to be established in this Convention, all registered electors may vote in any parish in which they may happen to be on the day of election, upon presentation of their registration paper. *Provided*, That in all cases when electors may offer to vote in any parish where they were not registered, a list of such persons shall be taken by the commissioners of election, and the number of their registration papers, and the name of the parish in which they were registered, and the ballot cast, shall be numbered and a corresponding number annexed to the name of such voter upon the election list. In counting the votes, the proper authorities to whom this task shall be assigned by this Convention shall in all such cases examine the registration lists of the parishes in which such voters shall purport to have resided, and in case the registration lists

said parishes show such papers to be correct such votes shall be counted; but in case the registration lists do not show such papers to be correct, such votes shall be thrown out, and not counted, and in all cases where an elector shall have voted oftener than once at said election, his vote shall be thrown out and not counted.

Mr. Packard moved to amend by inserting after the word "election," in the first line, "for the ratification of the Constitution," and after the words "parish in which they reside," the words "upon presentation of sufficient evidence to satisfy the Commissioner of Election that they have resided in the parish in which they offer to vote for the space of ten days, and that they are the identical persons they represent themselves to be," and by striking out all after the words last inserted.

Laid on the table.

Mr. Reagan moved to amend by inserting after the word "registered," the words "and the ballots cast shall be numbered, and a corresponding number annexed to the name of such voter upon the election day."

The amendment was accepted.

The question recurring upon the article, as amended, and reading as follows:

ART. —. At the election for officers of the civil government authorized and required by Congress, to be established by this Convention, all registered electors may vote in any parish in which they may happen to be on the days of election, upon the presentation of their registration papers; *Provided*, That in all cases when electors may offer to vote in any parish where they were not registered, a list of such persons shall be taken by the commissioners of election, and the number of their registration papers, and the name of the parish in which they were registered, and the ballots cast shall be numbered and a corresponding number annexed to the name of such voter upon the election list. In counting the votes the proper authorities to whom this task shall be assigned by this Convention, shall in all such cases examine the registration lists of the parishes in which all such voters shall purport to have registered, and in case the registration lists of said parishes show such papers to be incorrect, such votes shall be counted; but in case the registration lists do not show such papers to be correct, such votes shall be

thrown out, and not counted, and in all cases where an elector shall have voted oftener than once at said election, his vote shall be thrown out, and not counted.

It was adopted—ayes 34, nays 23—as follows:

Ayes: Antoine, Douglas, U. Dupart, Esnard, Francois, Gair, Gardiner, Hempstead, R. H. Isabelle, Jones, Lange, Leroy, R. Lewis, Marie, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Oliver, Pierce, Poindexter, Pollard, Reagan, Schwab, Scott, Snider, Tinchant, Vidal, Wickliffe, Williams, Wilson—34 ayes.

Nays: Belden, Berthonneau, Blandin, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Dearing, Depasseau, Duplessis, Harper, Harris, T. Isabelle, Landers, McMillen, Mushaway, Packard, Pinchback, Reese, Riard—23 nays.

Mr. Tinchant explained his vote as follows:

Being anxious to give to all political speculators a fair show, I will vote yes.

Mr. Depasseau explained his vote as follows:

Being opposed to election by *viva voce*, I vote no.

The Convention adjourned until to-morrow at 10 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

#### SIXTY-FIRST DAY.

NEW ORLEANS, Monday, Feb. 10, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 o'clock A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Berthonneau, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, Deslonde P. G., Deslonde J., Donato, Duparte G., Dupart U., Edward, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Harper, Harris, Harrison, Hiestand, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis R., Marie, Martin, Meadows, McLeran, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Snider, Steele, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—72 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

ORIGINAL RESOLUTIONS.

Mr. Cromwell moved that the Constitution, before its final adoption, be read *seriatim* three separate days—first day for correction, second for substitutes or amendments, and third for final adoption.

Laid on the table.

By Mr. Reagan:

*Resolved*, That each member and employee of this Convention shall receive 30 per cent. over their *per diem.*, respectively. The Warrant Clerk is hereby directed to audit said allowances and issue warrants for amounts respectively audited.

Lies over.

Mr. Cooley moved that the sum of \$150 be appropriated to the proprietors of the Commercial Bulletin for papers furnished the Convention.

Mr. Packard moved to amend by striking out "\$150" and inserting "\$75."

Lost.

Mr. Crane moved to amend by inserting "\$100" in place of "\$150."

Adopted—ayes 36, nays 29—as follows:

Ayes : Antoine, Belden, Blandin, Bonnefoi, Cooley, Crane, Crawford, Cromwell, Dearing, Depasseau, Douglas, G. Duparte, Duplessis, Esnard, Ferguson, Harris, Hiestand, R. H. Isabelle, Thomas Isabelle, Jones, Kelso, Landers, Leroy, Richard Lewis, Marie, Martin, Mushaway, Myers, Pinchback, Riggs, Roberts, Rodriguez, Schwab, Snider, Williams, Wilson — 36 ayes.

Nays : Bertonneau, Burrel, P. G. Deslonde, Edward, Francois, Fuller, Gardiner, Guichard, Harper, Hempstead, Lange, Meadows, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Pindexter, Pollard, Reagan, Riard, Steele, Tinchant, Underwood, Valfroit, Wickliffe—29 nays.

Mr. Tinchant called up the report of the Committee on Printing of February 8, and moved to adopt the resolution as reported, and reading as follows:

*Resolved*, That the balance of the bill of the Official Printers for job work, amounting to one hundred and thirty-seven dollars, be approved and the Warrant Clerk be authorized to draw a warrant for the same in favor of Messrs. J. B. Roudanez & Co., Official Printers.

Adopted.

The President submitted to the Conven-

tion the following memorial from the Constitutional Convention of Georgia:

The Constitutional Convention of the State of Georgia presents to the Congress of the United States the following consideration:

A loan by the United States Government to the impoverished planters of the South of a reasonable amount of United States currency for agricultural purposes, properly guarded by mortgage, and equitably distributed among the most needy, would be of incalculable advantage to the whole country. Such a loan would restore the productions of the South, and give a market for the goods of the North and the produce of the West. It would at once energize the South in an honorable attempt to compete with England, our rival in cotton raising, and return with interest a full payment for all her zeal in fostering our late troubles in order that she might establish her selfish policy of producing cotton in the East, to the injury of our cotton States, and thereby take commanding control of what has been the great source of our commercial prosperity as a people. Mortgages or real estate can be taken as twice the value of the money loaned. No man need borrow more than two-thirds of what he can give assurance will be the value of his coming crop.

The people of the South need relief. Almost destroyed by the great conflict just over, Providence, so far, has not smiled upon the Southern planter.

In 1865, there was a short crop from droughts and other causes.

In 1867 planters planted hoping to realize from twenty-five to thirty cents per pound on cotton. Compelled to sell generally at from ten to twelve cents per pound, by the decline in the market, cotton planters have failed to realize the cost of production and are, to an alarming extent, comparatively helpless for the coming crop. In proportion as the cotton planter is unable to plant for a large amount of cotton, will the freedmen, necessarily suffer.

The extent of suffering among the freedmen, unless Southern planters are fostered by the government, will be appalling to the Christian heart. "The nation's ward" cannot be better cared for than by thus providing for them remunerative labor upon that staple with the production of which they are already familiar, and which yield to them the greatest reward for that service which they are best fitted by their raising to perform. A liberal loan by Congress as indicated "would do much to stimulate

ational fraternity." In view of the foregoing, be it therefore

*Resolved*, That the Congress of the United States be respectfully petitioned to appropriate thirty millions of dollars of United States currency, to be loaned, under proper regulations, to aid in developing the agricultural interests of needy Southern planters:

*Resolved*, That copies of the foregoing preamble and resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that they be laid before these bodies; and that copies be also transmitted to the Presidents of the Constitutional Conventions of the Southern states, and that we invite the co-operation of such Conventions in this application to Congress.

[Signed] J. R. PARROTE,  
President of the Convention.  
P. M. SHEBLEY,

Secretary of the Convention.

Which was received and lies over under these rules.

Mr. Crane moved to adopt the following 8th article of the Constitution:

The General Assembly shall, at its first session under this Constitution, provide by law for the subdivision into small lots, not less in quantity than twenty acres, all unclaimed State lands to secure to actual settlers thereon homesteads on the most liberal terms practicable.

Lies over.

#### UNFINISHED BUSINESS.

The fifth article of the ordinance proposed by Mr. Wickliffe being under consideration, was adopted, reading as follows:

*ART.* — The same registrars and commissioners who shall be appointed by the commanding General of the Fifth Military District to superintend the election for the ratification or rejection of the Constitution, shall, also, at the same time and places, superintend the election for all officers and representatives herein ordered, provided they be authorized so to act by the Commanding General. And in case the Commanding General should not so authorize said registrars and commissioners, the Committee of Seven, appointed by this Convention to take charge of the whole affair of the ratification of the Constitution and the election of civil officers, shall appoint one registrar for each parish in the state, except the parish of Orleans, and in each district of the parish of Orleans—counting Orleans, right bank, as one district—who shall each, in his parish or dis-

trict, appoint a sufficient number of commissioners of election to hold the said election for said civil officers and Representatives, at the same time and places as herein provided for.

Messrs. Cooley and Crane recorded their vote—no—on the adoption of Mr. Wickliffe's fifth article.

The 6th article, reading as follows, was adopted:

*ART.* — Returns shall be made in duplicate, sworn to by the commissioners holding the election, and forwarded within three days thereafter, to the registrars of the parish or district. The registrar shall immediately forward one copy of said returns to the chairman of the Committee of Seven appointed by this Convention, who shall, within ten days after the last return, have been received, make proclamation of the result of said election.

The 7th article, reading as follows, was adopted:

*ART.* — All civil officers thus elected shall enter upon the discharge of their duties on the second Monday after the official promulgation of the ratification of this Constitution by the qualified electors of the State, and continue in office until their legally elected successors shall be duly inducted to office.

Mr. Oliver moved to adopt the 8th article, as follows:

*ART.* — The General Assembly elected under this Constitution shall hold its first session in the city of New Orleans, on the third Monday after the official promulgation aforesaid, and proceed immediately upon its organization to the adoption of the 14th amendment to the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the *per diem* of members or any other subject, after organization, until said Constitutional Amendment is adopted as required by Congress.

Mr. Underwood moved to amend by striking out "New Orleans" and inserting "Baton Rouge."

Adopted.

Mr. Waples moved to amend by adding after the word "to," in the sixth line, the words "vote upon;" and inserting in the last line after the words "Constitutional Amendment," the words "shall have been acted upon," in place of "is adopted as required by Congress."

Mr. Wickliffe moved to lay the amendment on the table.

Lost—ayes 24, nays 33—as follows:

Yea: Crawford, P. G. Deslonde, G. Duparte, Guichard, Hempstead, R. H. Isabelle, Jones, Lange, Leroy, Marie, Morris, Moses, Newsham, Oliver, Packard, Pierce, Poindexter, Riggs, Rodriguez, Underwood, Valfroit, Wickliffe, Williams, Wilson—yeas 24.

Nays: Berthonneau, Blandin, Bonnefoi, Burrel, Butler, Cooley, Crane, Cromwell, Dearing, Donato, Douglas, U. Dupart, Duplessis, Esnard, Francois, Gair, Harrison, Thos. Isabelle, J. B. Lewis, R. Lewis, Massicot, Murrel, Mashaway, Myers, Pinchback, Reagan, Reese, Riard, Snider, Steele, Tinchant, Twitchell, Waples—nays 33.

The amendment was adopted—ayes 36, nays 20—as follows:

Yea: Antoine, Baker, Belden, Berthonneau, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Dearing, G. Duparte, Duplessis, Esnard, Francois, Gair, Gould, Guichard, Harper, Harrison, Hiestand, Thos. Isabelle, Jackson, Leroy, Meadows, Mushaway, Myers, Pierce, Pinchback, Poindexter, Reagan, Reese, Smith, Snider, Vidal, Waples—36.

Nays: Burrel, Crawford, P. G. Deslonde, U. Dupart, R. H. Isabelle, Jones, Marie, Massicot, Moses, Murrel, Oliver, Packard, Pollard, Riggs, Rodriguez, Steele, Tinchant, Underwood, Wickliffe, Wilson—20.

The article, as amended, reading as follows:

ART. —. The General Assembly elected under this Constitution shall hold its first session in the city of Baton Rouge on the third Monday after the official promulgation aforesaid, and proceed immediately upon its organization to vote upon the adoption of the 14th amendment to the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the *per diem* of members or any other subject, after organization, until said Constitutional Amendment shall have been acted upon.

Was adopted—ayes 44, nays 17—as follows:

Ayes: Antoine, Baker, Belden, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Dearing, Donato, G. Duparte, U. Dupart, Francois, Fuller, Gair, Guichard, Harper, Hiestand, Jackson, Lange, Leroy, Marie, Massicot, Meadows, McLeran, Mushaway, Myers, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Smith, Snider, Tinchant, Underwood,

Valfroit, Vidal, Wickliffe, Wilson—ayes.

Nays: Berthonneau, Burrel, Crawfie Cuney, Duplessis, Ferguson, Gould, B rison, T. Isabelle, Morris, Moses, Mur Oliver, Riggs, Rodriguez, Steele, Waple 17 nays.

Mr. Belden explained his vote on amendment of Mr. Waples as follows:

Believing that, forcing the Legislat to adopt the amendment proposed, mi give rise to a legal question as to whe we have legally adopted the said ame ment, I favor leaving the matter to the unitary action of the Legislature.

Judge Crawford explained his vote on amendment to article 8th as follows:

I vote *no* for the reason that I am posed to the original article, and to article if amended, believing that we ou to do nothing on this subject.

The 9th article, as follows, was adop

ART. —. All registrars and commissio appointed under this Constitution, sl before entering upon their duties, take subscribe the oath of office prescribed Congress, approved July 2, 1862, enti “An act to prescribe an oath of off The said oath of office shall be ministered to each registrar by chairman of the Committee of Se herein provided for, and to each missioner by the registrar appointing

Mr. Wickliffe moved to adopt in place the tenth article, the following:

ART. —. All registrars, commissio and other officers necessary to carry effect the provisions of this ordinance except as otherwise provided for by the Re striction Acts of Congress, shall be out of any funds raised by virtue of Tax Ordinance adopted by this Conve December 24, 1867, not otherwise propriated.

Adopted.

Mr. Wickliffe moved that a commit seven on Style and Arrangements b pointed by the Chair, to whom shall b ferred the Constitution as a whole, t vice, amend, correct and have printed the use of the Convention in adopting same.

Mr. Smith was called to the chair.

Mr. Packard called up the ordinance posed by him lying over from Februa as follows:

AN ORDINANCE.

WHEREAS, The act of Congress of

3d of March, 1867, sets forth as one of the purposes of the assembling of this Convention to "establish a civil government" or the State.

*Be it ordained by the people of the State of Louisiana in Convention assembled,* That a Board of Registration for the State be appointed by this Convention to consist of seven members thereof, whose term of office shall begin with the adjournment of the Convention and end with the inauguration of State officers as provided for in the Constitution.

*Be it further ordained, etc.,* That it shall be the duty of said board to elect a Chairman from among its members and a Secretary, and that all public notices, proclamations and orders shall be signed by the President, and attested by the Secretary.

*Be it further ordained, etc.,* That the said board shall have power and authority to make rules, regulations and orders concerning the registration of voters, the duties of registration, the holding of elections, the duties of commissioners of the respective polls, the making of returns and the announcement of the results of the elections; *Provided,* That such rules, regulations and orders shall in no wise conflict with the provisions of the acts known as the Reconstruction Acts, or with the schedule or ordinance contained in the Constitution to be submitted by this Convention, or with the lawful authority of the District Commander, exercised in pursuance and furtherance of said acts and provisions, but shall be in co-operation with and furtherance of the same. Their authority shall extend to all matters of execution or detail, not fully provided for in said Reconstruction Acts and Constitution, and in case of the non-action of any officer of the State, or the District Commander, or any omission in carrying out said laws, regulations or ordinances or details, "necessary to carry into effect the purposes" of said acts according to their letter and spirit.

*Be it further ordained, etc.,* That they shall be empowered for the administration of oaths of office, and the issuing of commissions to act in cases of vacancy, or the non-action or omission to perform their duties of any or all elective officers.

*Be it further ordained, etc.,* That it shall be the duty of said board to fix the salary and regulate the duties of all officers of election ordered to be held by the Reconstruction Acts and the Constitution, and their acts in pursuance thereof shall be reamendatory to the Legislature, whose duty it shall be to appropriate a just and equitable sum in payment of all salaries and expenses in cancel.

And moved to amend it by striking out the last clause, and inserting:

*Be it further ordained, etc.,* That it shall be the duty of said board to fix the salary and regulate the duties of all officers of election ordered to be held by the Reconstruction Acts and the Constitution, and the salaries and expenses incurred in carrying this ordinance into effect, shall be paid upon the certificate of the chairman of said committee out of any funds raised by the Tax Ordinance of this Convention, passed December 24, 1867, not otherwise appropriated.

Mr. McMillen moved to amend the amendment by adding:

*Provided,* The Board of Registrars shall not have the power to fix their salaries at a greater sum than \$5 per day.

Adopted.

The amendment of Mr. Packard, as amended by Mr. McMillen, and reading as follows:

*Be it further ordained, etc.,* That it shall be the duty of said board to fix the salary and regulate the duties of all officers of election ordered to be held by the Reconstruction Acts and the Constitution, and the salaries and expenses incurred in carrying this ordinance into effect, shall be paid upon the certificate of the chairman of said committee out of any funds raised by the Tax Ordinance of this Convention, passed December 24, 1867, not otherwise appropriated; *Provided,* The Board of Registrars shall not have the power to fix their salaries at a greater sum than \$5 per day.

Was adopted.

Mr. McMillen moved to amend the first clause by striking out "seven" and inserting "three."

Laid on the table.

Mr. Cooley moved to amend by striking out "seven" and inserting "four."

Laid on the table.

Mr. Rodriguez moved to amend by striking out "seven" and inserting "five."

Laid on the table.

Mr. Cooley moved to take from the table the amendment of Mr. Rodriguez.

Pending which the Convention adjourned till to-morrow at 10 A. M.

A true copy :

WM. VIGERS, Secretary.

## SIXTY-SECOND DAY.

NEW ORLEANS, Tuesday, Feb. 11, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 10 o'clock A. M.

The roll was called, and the following members answered to their names:

President J. G. Taliaferro; Messrs. Antoine, Baker, Belden, Blandin, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Depasseau, Deslonde P. G., Donato, Dupart U., Edward, Esnard, Francois, Fuller, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Hiestand, Ingraham, Isabelle R. H., Jackson, Jones, Kelso, Lange, Leroy, Marie, Martin, Meadows, McLeran, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Smith, Snider, Steele, Underwood, Valfroit, Waples, Wickliffe, Williams, Wilson—65 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and approved.

## ORIGINAL RESOLUTIONS.

Mr. P. G. Deslonde moved that \$100 be donated Rev. Josiah Fisk for his divine services in this body.

Mr. Wickliffe moved to amend by making the sum \$200.

Adopted.

By Mr. Underwood:

WHEREAS, That the Assistant Secretary has absented himself from this Convention for some time; therefore, be it

*Resolved*, That the office of Assistant Secretary be declared vacant.

Postponed indefinitely.

The Chair announced the appointment, as the Committee on Style and Arrangement, of Messrs. Wickliffe, Belden, Rodriguez, Cooley, Waples, McMillen and Deslonde.

By Mr. Blackburn:

*Resolved*, That the members of the Printing Committee, with their clerk, to be designated by the President of the Convention, be authorized to sit over for thirty days, or so much of that time as may be necessary, after the adjournment of this Convention, to audit the accounts for printing and see that the same be properly adjusted and cancelled. The same *per diem* to be allowed as during the regular session of the Convention.

Lies over.

By Mr. Steele:

WHEREAS, The Reconstruction Bill, pending in the Congress of the United States, provides for the removal of present district commanders, and the appointment of department commanders, below the grade of Colonel; therefore be it

*Resolved*, That this Convention, as representing the loyal people of Louisiana, respectfully requests the General Commander of the armies of the United States, in case the change is made, to assign General Joseph A. Mower to the command of the department.

*Resolved*, That an official copy of this resolution be immediately forwarded to General U. S. Grant at Washington.

Postponed until to-morrow.

Mr. Reagan called up his resolution lay over from February 10, as follows:

*Resolved*, That each member and employee of this Convention shall receive per cent. over their *per diem*, respectively. The Warrant Clerk is hereby directed to audit said allowances and issue warrants in amounts respectively audited.

And moved to adopt.

Mr. Blandin moved to lay on the table.

Lost—ayes 24, nays 41—as follows:

Ayes : Bertonneau, Blandin, Bonne Cooley, Crane, Crawford, Dearing, Depasseau, U. Dupart, Esnard, Guichard, Jackson, Kelso, Moses, Mushaway, Faard, Pinchback, Poindexter, Rodriguez, Smith, Steele, Underwood, Waples, Wilson—24 yeas

Nays : Antoine, Baker, Belden, Bla burn, Burrel, Butler, Cromwell, Cuney, P. G. Deslonde, Donato, Douglas, G. I parte, Duplessis, Francois, Gould, Harp, Harris, Hempstead, R. H. Isabelle, Lan Leroy, Marie, Martin, Massicot, Meado Morris, Murrel, Oliver, Pierce, Pollard, Reagan, Reese, Riard, Riggs, Robert Schwab, Snider, Twitchell, Valfroit, Vic Williams,—41 nays.

Mr. Crawford moved to amend by striking out all after the word “resolved” and inserting “ninety thousand dollars to each member and an annual pension of seven thousand dollars.”

Laid on the table.

Mr. Thos. Isabelle moved to amend by adding:

*Provided*, That those only voting for extra pay shall receive it, and none others.

Lost.

Mr. R. H. Isabelle moved to amend by adding:

*rovided, That each delegate be taxed one cent. on their warrants for charitable purposes.*

ost.

The resolution was adopted—ayes 40, nays 32—as follows:

Foras: Baker, Belden, Blackburn, Burrel, Cuney, P. G. Deslonde, G. Dute, U. Dupart, Francois, Gardiner, Hild, Harper, Harris, Hempstead, Hiesl, Ingraham, Lange, Leroy, Marie, tin, Massicot, McLeran, Morris, Moses, irrel, Newsham, Oliver, Pierce, Pollard, gan, Reese, Riggs, Roberts, Schwab, ler, Valfroit, Vidal, Williams—yeas 40. nays: Antoine, Bertonneau, Blandin, mefoi, Cooley, Crane, Crawford, Dear, Douglas, Duplessis, Edward, Esnard, ler, Ferguson, Guichard, Harrison, R. Isabelle, Thos. Isabelle, Jackson, Kelso, Millen, Mushaway, Packard, Pinchback, ndexter, Riard, Rodriguez, Smith, ele, Twitchell, Underwood, Waples, s 32.

Ir. Hempstead moved to reconsider the last taken.

Ir. Oliver moved to lay the motion to consider on the table.

Adopted.

Ir. Waples moved to take up from the le the motion to reconsider.

Pending which, the Convention adourned until to-morrow at 11 o'clock A. M., Cooley being then entitled to the floor.

A true copy:

WM. VIGERS, Secretary.

### SIXTY-THIRD DAY.

NEW ORLEANS, Wednesday, Feb. 12, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Anne, Baker, Bertonneau, Blackburn, Budin, Bonnefoi, Brown, Burrel, Cooley, Cune, Cromwell, Cuney, Dearing, Depas, Deslonde P. G., Donato, Douglas, part U., Duplessis, Edward, Esnard, incois, Fuller, Ferguson, Gair, Gardi, Gould, Guichard, Harper, Harris, mpstead, Hiestand, Ingraham, Jackson, les, Kelso, Landers, Lange, Leroy, Ivis R., Marie, Martin, Meadows, McLran, Morris, Moses, Mushaway, New, Oliver, Packard, Pierce, Poindexter, illard, Reagan, Reese, Riard, Riggs, Ro-

driguez, Schwab, Smith, Snaer, Snider, Steele, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson, 72 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

### ORIGINAL RESOLUTIONS.

By Mr. Underwood:

*Resolved, That the New Orleans Republican and TRIBUNE be paid at the usual rates for the copies of their respective papers ordered by and furnished to this Convention, and that the Warrant Clerk be authorized to draw a warrant in their favor for the amount due them.*

Lies over.

By Mr. Reagan:

*Resolved, That it shall be the duty, at the time of adjournment of this Convention, of the Warrant Clerk and Secretary to prepare a list of the warrants issued by this Convention, to whom issued, and the amount of such, which list shall be signed by the Warrant Clerk and Secretary, and furnished by them to the Treasurer of the State.*

Lies over.

A petition by E. Hawking, sergeant of police, asking for compensation, was presented and laid on the table.

Mr. Isabelle moved that a compensation of \$100 each be allowed Sergeant Hawking and private Patrick Meade, of the city police, for their services in preserving good order in this Convention. Lost.

Mr. Waples moved to suspend the consideration of all other matters and proceed to complete the Constitution.

Adopted.

Mr. Underwood moved that the Committee on Style and Arrangement have leave to retire.

Laid on the table.

Mr. Cooley declined to serve upon the committee.

Mr. Crawford moved that the Committee on Style and Arrangement be instructed to report such amendments and verbal alterations as they may find necessary to complete and harmonize the articles, to the Convention for its action. Adopted.

The Convention adjourned until to-morrow at 11 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

## SIXTY-FOURTH DAY.

NEW ORLEANS, Thursday, Feb. 13, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 11 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, Donato, U. Dupart, Duplessis, Edward, Esnard, Francois, Fuller, Ferguson, Gair, Gardiner, Gould, Guichard, Harper, Harris, Harrison, Hiestand, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Martin, Meadows, Morris, Moses, Murrell, Mushaway, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Schwab, Smith, Snaer, Snider, Steele, Twitchell, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—69 members present.

The minutes were read and adopted.

## ORIGINAL RESOLUTIONS.

By Mr. Cromwell :

*Resolved*, That the following be an article in the Constitution of the State of Louisiana :

No person shall be eligible for State or municipal office who has not the qualifications required in a voter for members of this Convention. But the Legislature may, by a vote of two-thirds of each House, remove such disability.

Lies over.

By My. Cooley:

*Resolved*, That the Warrant Clerk is authorized to issue warrant in favor of Joseph Camart, for pay as Page to this Convention, from the second December, 1867, deducting therefrom the sum of twelve dollars already paid him for special services.

Who moved to suspend the rules to place it upon its final passage. The motion prevailed and the resolution was adopted.

By Mr. Blackburn:

ART. — Every head of a family in this State shall be entitled to hold in his or her own right, property to the amount of \$1000, which shall be exempt from seizure and sale under legal process, for any obligation incurred after the adoption of this Constitution. Said exemption to consist of such property as may be designated by the party interested, and to be appraised by three disinterested parties,

Referred to the Committee on Style and Arrangement.

## UNFINISHED BUSINESS.

Mr. Waples' motion to take from the table the motion of Mr. Hempstead to reconsider the vote upon Mr. Reagan's 30 per cent. additional pay to the member and employees being under consideration.

Mr. Smith was called to the chair.

The motion of Mr. Waples was lost—aye 24, nays 40—as follows:

Yea : Antoine, Berthonneau, Blandin Cooley, Crane, Crawford, Depasseau Douglas, Duplessis, Edward, Fuller, Ferguson, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Myers, Packard, Pinchback, Rodriguez, Smith, Steele, Tinchant Waples—24 yeas.

Nays: Baker, Belden, Blackburn, Brown Burrel, Cromwell, Cuney, Dupart U., Francois, Gair, Gardiner, Harper, Harris, Hempstead, Hiestand, Ingraham, Landers, Lange, Leroy, Marie, Martin, Massico, Meadows, McLeran, Morris, Moses, Murrell, Oliver, Pierce, Poindexter, Pollard, Reagor, Reese, Riggs, Roberts, Schwab, Snaer, Snider, Valfroit, Williams—40 nays.

Mr. Waples moved to repeal the ordinance providing for 30 per cent. addition pay to the members and employees.

Mr. Tinchant raised the point of order that the motion of Mr. Waples should lie over for two days and be printed, and not in order now for discussion.

The Chair decided that the point of order was not well taken.

Mr. Tinchant appealed.

The Chair was not sustained, and the motion of Mr. Waples lies over.

Mr. Waples gave notice that he would introduce a resolution to repeal the resolution of Mr. Reagan and show its true character to the public.

Mr. Cooley's motion to take from the table the amendment of Mr. Rodriguez to the ordinance proposed by Mr. Packard coming up for consideration, the motion to take from the table was lost.

The question recurred upon the adoption of the ordinance proposed by Mr. Packard as previously amended, and reading as follows:

## AN ORDINANCE.

WHEREAS, The act of Congress of the 23d of March, 1867, sets forth as one of the

poses of the assembling of this Convention to "establish a civil government" of the State.

*Be it ordained by the people of the State of Louisiana in Convention assembled,* That a Board of Registration for the State be appointed by this Convention, to consist of ten members thereof, whose term of office shall begin with the adjournment of the Convention and end with the inauguration of State officers as provided for in the Constitution.

*Be it further ordained, etc.*, That it shall be the duty of said board to elect a chairman among its members and a Secretary, that all public notices, proclamations and orders shall be signed by the President, attested by the Secretary.

*Be it further ordained, etc.*, That the board shall have power and authority to make rules, regulations and orders concerning the registration of voters, the duration of registration, the holding of elections, duties of commissioners of the respective parishes, the making of returns and the announcement of the results of the elections; *Provided*, That such rules, regulations and orders shall in nowise conflict with the provisions of the acts known as the Reconstruction Acts, or with the schedule or ordinance contained in the Constitution to be submitted by this Convention or with the lawful authority of the District Commander, exercised in pursuance of furtherance of said acts and provisions, it shall be in co-operation with and furtherance of the same. Their authority shall extend to all matters of execution or detail, not fully provided for in said Reconstruction Acts and Constitution, and in case of the non-action of any officer of the state, or the District Commander, or any omission in carrying out said laws, regulations or ordinances or details, "necessary to carry into effect the purposes" of said acts according to their letter and spirit.

*Be it further ordained, etc.*, That they all be empowered for the administration of oaths of office, and the issuing of commissions to act in cases of vacancy, or the non-action or omission to perform their duties of any or all elective officers.

*Be it further ordained, etc.*, That it shall be the duty of said board to fix the salary and regulate the duties of all officers election ordered to be held by the reconstruction Acts and the Constitution, and the salaries and expenses incurred in carrying this ordinance into effect, shall be paid upon the certificate of the chairman of said committee out of any funds raised by the Tax Ordinance of this Convention, passed December 24, 1867, not otherwise appropriated; *Provided*, The

Board of Registrars shall not have the power to fix their salaries at a greater sum than five dollars per day.

Which was adopted—ayes 36, nays 18—as follows:

Ayes: Baker, Belden, Beronneau, Blanchard, Cromwell, Douglas, Duplessis, Francois, Gair, Harper, Harris, Hempstead, Hiestand, R. H. Isabelle, Jones, Landers, Leroy, Marie, Massicot, Meadows, McLellan, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pinchback, Pollard, Reese, Riggs, Schwab, Vidal, Williams, Wilson—36.

Nays: Cooley, Crane, Crawford, Dearing, Depasseau, G. Duparte, U. Dupart, Edward, Thos. Isabelle, Mushaway, Myers, Rodriguez, Smith, Snider, Steele, Tinchant, Valfroit, Waples—18.

Mr. Meadows moved to take from the table the resolution of Mr. Burrel, offered January 31.

Mr. Tinchant moved to lay the motion to take from the table on the table.

Adopted.

Mr. Belden, on the part of the Committee on City Charter, reported progress.

Mr. Cooley moved to discharge the committee from the further consideration of the subject.

Mr. Crawford moved to amend by repealing the resolution authorizing the appointment of the committee, which was accepted by the mover.

Mr. Hempstead was called to the chair.

Mr. Beronneau moved the previous question.

The Chair decided the motion not now in order.

Mr. Beronneau appealed.

The Chair was not sustained.

The previous question was not demanded by a majority of the delegates.

The motion of Mr. Cooley, as amended by Mr. Crawford, was adopted.

Mr. Steele called up his resolution lying over from February 11, as follows :

WHEREAS, The Reconstruction Bill, now pending in the Congress of the United States, provides for the removal of the present district commanders, and the appointment of department commanders, not below the grade of Colonel; therefore, be it

*Resolved*, That this Convention, as representing the loyal people of Louisiana, re-

spectfully requests the General Commanding the armies of the United States, in case the change is made, to assign General Joseph A. Mower to the command of this department.

*Resolved*, That an official copy of this resolution be immediately forwarded to General U. S. Grant, at Washington.

Mr. Tinchant moved to lay on the table.

Lost.

Mr. Packard moved to amend by striking out the words "Joseph A. Mower," and inserting the words "Major General Philip H. Sheridan."

Mr. Steele moved to lay the amendment on the table.

Lost.

The amendment was adopted.

The resolution, as amended, and reading as follows, was adopted:

WHEREAS, The Reconstruction Bill, now pending in the Congress of the United States, provides for the removal of the present district commanders, and the appointment of department commanders, not below the grade of Colonel; therefore, be it

*Resolved*, That this Convention, as representing the loyal people of Louisiana, respectfully requests the General Commanding the armies of the United States, in case the change is made, to assign Major General Philip H. Sheridan to the command of this department.

*Resolved*, That an official copy of this resolution be immediately forwarded to General U. S. Grant, at Washington.

The Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SIXTY-FIFTH DAY.

NEW ORLEANS, Friday, Feb. 14, 1868.

The Convention met pursuant to adjournment, and was called to order by the Secretary in the absence of the President.

Mr. Reagan was called to the chair.

The roll was called, and the following members answered to their names:

Messrs. Baker, Belden, Bertonneau, Blackburn, Blandin, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Dearing, Depasseau, Donato, Douglas, G. Duparte, U. Dupart, Edward, Francois, Fuller, Gardiner, Guichard, Harper, Harris, Hiestand, Ingraham, T. Isabelle, Jones, Kelso, Landers, Lange, Leroy, R. Lewis,

Marie, Martin, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrel, Muschaway, Myers, Oliver, Packard, Pierce, Poin-dexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Schiawb, Snider, Steele, Underwood, Valfroit, Vandergriff, Waples, Wickliffe, Williams, Wilson—65 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Blackburn:

*Resolved*, That the Committee on Style and Arrangement be requested to strike the word "male" from the first article of the Constitution, under the head of General Provisions.

Referred to Committee on Style and Arrangement.

By Mr. Waples:

WHEREAS, Early in the session, the Convention adopted a resolution fixing the daily compensation of the members and officers thereof; and, without reconsidering said resolution, the members have voted themselves recently an additional compensation of thirty per cent., thus increasing their pay to thirteen dollars per day; and,

WHEREAS, The tax levied ought in good faith to be applied, first to the payment of the members, officers and employees, (including the Official Printer, elected by ballot,) according to the rates fixed when the tax was ordained; and,

WHEREAS, It would be manifestly unjust to the present holders of warrants to have their value diminished by issuing the proposed new ones before the former have been paid; therefore, be it

*Resolved*, That no warrant shall be issued for the payment of the additional compensation until all the members and officers, including the regularly elected Official Printer, shall have been paid the rates originally established.

Who moved to suspend the rules to place it upon its passage.

The rules were suspended and the resolution was laid on the table.

By Mr. Waples:

WHEREAS, The resolution increasing the pay of members to thirteen dollars per day is unusual, extravagant and unjust to the State; therefore

*Resolved*, That the resolution be, and is hereby repealed.

Mr. Wickliffe, on the part of the Committee on Style and Arrangement, reported

progress, and expected to submit a final report in print on Monday next.

Mr. Smith moved to suspend the rules to place the resolution of Mr. Waples, last offered, upon its passage.

Adopted.

Mr. Gair moved to postpone indefinitely the resolution.

Adopted—ayes 38, nays 28—as follows:

Yea: Baker, Belden, Blackburn, Burrel, Butler, Cromwell, Donato, G. Duparte, U. Dupart, Francois, Gair, Harper, Harris, Hempstead, Hiestand, Ingraham, Landers, Lange, Leroy, J. B. Lewis, Martin, Massicot, Meadows, McLeran, Morris, Murrel, Newsham, Oliver, Pierce, Pollard, Reagan, Reese, Riggs, Schwab, Snider, Valfroit, Williams, Wilson—38.

Nays: Antoine, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Cooley, Crane, Crawford, Depasseau, Douglas, Duplessis, Edward, Esnard, Fuller, Ferguson, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Moses, Myers, Packard, Pinchback, Rodriguez, Smith, Steele, Twitchell, Waples—28.

Mr. Hempstead moved to reconsider the vote upon the adoption of Mr. Steele's resolution of yesterday.

Mr. Rodriguez moved to lay the motion to reconsider on the table.

Adopted.

The Convention adjourned till Monday at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SIXTY-SIXTH DAY.

NEW ORLEANS, Monday, Feb. 17, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Berthonneau, Blandin, Bonnefoi, Cooley, Crane, Cromwell, Cuney, Dearing, Depasseau, Donato, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gardiner, Guichard, Harper, Harris, Harrison, Hiestand, Ingraham, Jackson, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Martin, Massicot, Meadows, McLeran, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riggs, Rodriguez,

Smith, Snaer, Steele, Thibaut, Twitchell, Underwood, Valfroit, Waples, Williams, Wilson—64 members present.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Cooley:

*Be it ordained by the Constitutional Convention of the State of Louisiana, That the tax payers of the city of New Orleans, Orleans right bank, and parish of Jefferson, have until the first of March next to pay the tax of one mill per cent., levied by ordinance of the Convention of date December 24, 1867; and that from and after said first of March, 1868, the additional taxes levied as a penalty by subsequent ordinances shall be exacted by the different tax collectors or Sheriffs of the above named places.*

*Be it further ordained, etc., That said tax collectors and sheriffs are authorized to pay, out of any moneys in their hands and belonging to the Convention tax, all bills which may be contracted by them for advertising the sale of property of delinquent tax payers, as provided by ordinance of January 4, 1868, and said bills shall be received by the Auditor of Public Accounts in settlement with them.*

*Be it further ordained, etc., That the said tax collectors are authorized to receive in payment of the tax aforesaid, warrants issued by the Convention, other than those given to members and officers; Provided, Said warrants are offered by the persons to whom they were issued and for their individual tax or taxes.*

*Be it further ordained, etc., That the Warrant Clerk issue in favor of the Auditor of Public Accounts and Treasurer of the State, warrants for the sum of five hundred dollars to each, as a compensation for the extra labor imposed upon them by the ordinances of the Convention.*

Who moved to suspend the rules to place it upon its passage.

Adopted.

Mr. Harper moved to amend by striking out the words "city of New Orleans, Orleans, right bank, and parish of Jefferson," and inserting the words "of this State."

Lost.

The question recurring upon the ordinance as proposed by Mr. Cooley, it was adopted.

By Mr. Blackburn:

*Resolved, That the Sheriffs of the various parishes of the State, the parish of Orleans excepted, shall be and are hereby authorized to redeem the warrants of their respective delegates; which warrants shall be received*

from said Sheriffs at the State Treasury at par, as so much Convention tax paid. This provision to take effect from and after the adjournment of this Convention.

Lies over.

By Mr. Thos. Isabelle:

*Resolved*, That from and after the 18th day of February, 1868, the members of this Convention shall not receive any *per diem*.

Mr. Moses moved to lay on the table.

Adopted—ayes 34, nays 27—as follows:

Yea: Baker, Blackburn, Crane, Cromwell, Cuney, Donato, U. Dupart, Francois, Gardiner, Harris, Hempstead, Jones, Landers, Lange, Leroy, J. B. Lewis, Richard Lewis, Martin, Morris, Moses, Murrel, Oliver, Pierce, Pollard, Reagan, Riggs, Roberts, Rodriguez, Schwab, Valfroit, Williams, Wilson—34.

Nays: Antoine, Belden, Bertonneau, Blandin, Bonnefoi, Brown, Cooley, Crawford, Dearing, Douglas, Esnard, Harper, R. H. Isabelle, Thos. Isabelle, Jackson, Kelso, Lynch, Meadows, McMillen, Myers, Packard, Pinchback, Riard, Tinchant, Twitchell, Underwood, Waples—27.

Mr. Reagan called up his resolution of February 12, as follows:

*Resolved*, That it shall be the duty at the time of adjournment of this Convention of the Warrant Clerk and Secretary to prepare a list of the warrants issued by the Convention, to whom issued, and the amount of such, which list shall be signed by the Warrant Clerk and Secretary and furnished by them to the Treasurer of the State.

And moved to adopt.

Adopted.

Mr. Bertonneau moved that the Convention adjourn *sine die* on Thursday, February 20, 1868.

Laid on the table.

Mr. Cooley called up the subject of the memorial of the Constitutional Convention of Georgia, and moved to adopt his resolution in reference thereto, as follows:

*Resolved*, That this Convention indorses the action of the Georgia Convention in presenting a memorial to Congress asking for a loan of thirty millions by the General Government to the people of the Southern States; and that it also prays Congress to pass an act granting the relief asked in the Georgia memorial.

Mr. Tinchant moved to postpone indefinitely.

Pending which the Convention adjourned till to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary,

#### SIXTY-SEVENTH DAY.

NEW ORLEANS, Tuesday, Feb. 18, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Baker, Bertonneau, Blackburn, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Douglas, U. Dupart, Esnard, Francois, Ferguson, Gardiner, Guichard, Harris, Hempstead, Hiestand, Ingraham, T. Isabelle, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, R. Lewis, Marie, Massicot, Meadows, Morris, Moses, Myers, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Snaer, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Wickliffe, Williams, Wilson—61 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Marie :

WHEREAS, It is essential to the commerce of the State of Louisiana, and, in the interest of the freedmen, the poor and needy of the country parishes, that a standard of weights and measures be established by law in said parishes; be it

*Resolved*, That it shall be the duty of the Legislature, under this Constitution, to enact a law to the effect that every parish Judge shall procure at the expense of the State a set of weights and measures and a stamp, to serve as a general standard of weights and measures, according to law, and forbidding any person to buy or sell any commodity whatever, by weight and measures, which do not correspond with the standard established by law, under penalty of fine and seizure of all deficient weights and measures, said fines to be recovered before any court of competent jurisdiction, for the benefit of the informer.

Lies over.

By Mr. Deslonde:

*Resolved*, That, as it is necessary to the proper transaction of business by this body that tranquility shall prevail, it is ordered

by the Convention that all workmen shall be removed from the hall.

Laid on the table.

The Gas Light Company presented a bill for \$100 31, which was referred to the Committee on Contingent Expenses.

Mr. Underwood called up his resolution lying over from February 12, as follows:

*Resolved*, That the New Orleans Republican and TRIBUNE be paid at the usual rates for the copies of their respective papers ordered by and furnished to this Convention, and that the Warrant Clerk be authorized to draw a warrant in their favor for the amount due them.

And moved to adopt.

Mr. Lange moved to strike out the word "TRIBUNE."

Laid on the table.

Mr. Hempstead moved to lay the resolution on the table.

Lost.

The resolution was adopted—ayes 46, nays 22—as follows:

Yea: Baker, Belden, Beronneau, Blackburn, Bonnefoi, Butler, Crane, Cromwell, Demarest, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Esnard, Guichard, Harris, Hempstead, Ingraham, Jones, Landers, Lange, Leroy, Richard Lewis, Martin, Meadows, Morris, Moses, Murrel, Myers, Oliver, Packard, Pierce, Reagan, Riard, Roberts, Rodriguez, Schwab, Snaer, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Wickliffe, Williams—46.

Nays: Antoine, Blandin, Brown, Cooley, Crawford, Cuney, Dearing, P. G. Deslonde, Ferguson, Gardiner, Harper, Thos. Isabelle, Kelso, Massicot, McMillen, Pinchback, Poindexter, Pollard, Riggs, Smith, Steele, Waples—22.

Mr. Hempstead moved to reconsider the vote last taken.

Mr. Underwood moved to lay the resolution on the table.

Adopted.

Mr. Cooley moved to take the motion to reconsider from the table.

Lost.

The Committee on Contingent Expenses submitted the following report:

NEW ORLEANS, February 17, 1868.  
To the President and Members of the Louisiana State Constitutional Convention:

GENTLEMEN—Your Committee on Contingent Expenses beg leave to report the following stationery bills, ordered by and

for the committees and Secretary, amounting to one hundred and fifty dollars and ninety-five cents, (\$150 95) from B. Bloomfield.

We respectfully recommend that the said bills be paid by the issue of warrants for the same.

Very respectfully,

S. BELDEN,

Chairman *pro tem.* of the Contingent Expenses Committee.

The report was received and the bill ordered to be paid.

The Committee on Style and Arrangement, through Mr. Wickliffe, Chairman, submitted the following report :

NEW ORLEANS, February 14, 1868.  
To the President and Members of the Constitutional Convention:

GENTLEMEN—Your "Committee on Style and Arrangements," to whom was referred the Constitution for revision, amendments and arrangements, respectfully beg leave to make the following report:

They have completed their labors, and have forwarded the manuscript to the Official Printer, in accordance with the resolutions of your honorable body, and ordered two hundred copies printed.

They have also furnished the Printer with the following proposed alterations and amendments, in accordance with resolutions passed by this Convention to that effect, and ordered one hundred copies printed.

1. The preamble prefixed to the Constitution, the Convention having failed to adopt a preamble.

2. An alteration in the verbiage of the article 11th of "Bill of Rights."

3. A few verbal alterations and amendments to article 13th of "Bill of Rights."

4. The changing of the term "General Assembly" to "Legislature" throughout the Constitution, as being more consistent with modern usage, and to make the Constitution consistent in this respect with the laws of the State already in use, and retained by this Constitution.

5. An amendment to article 98, providing for eight district courts in New Orleans and the jurisdiction of the same.

6. Under the head of the "Judiciary" the following article, providing for the judicial districts of the State, is respectfully submitted as being essential:

ART. — Until otherwise provided by the Legislature, the State shall be divided into the following judicial districts :

First—The city and parish of New Orleans, and the parishes of Jefferson and St. Charles shall compose the First District.

Second—The parishes of St. Bernard and Plaquemines shall compose the Second District.

Third—The parishes of St. John the Baptist, St. James and Assumption shall compose the Third District.

Fourth—The parishes of Lafourche and Terrebonne shall compose the Fourth District.

Fifth—The parishes of Ascension and Livingston shall compose the Fifth District.

Sixth—The parishes of East and West Baton Rouge shall compose the Sixth District.

Seventh—The parishes of East Feliciana and St. Helena shall compose the Seventh District.

Eighth—The parishes of Washington and St. Tammany shall compose the Eighth District.

Ninth—The parishes of West Feliciana and Pointe Coupee shall compose the Ninth District.

Tenth—The parishes of Iberville, St. Martin and Lafayette shall compose the Tenth District.

Eleventh—The parishes of St. Mary and Vermillion shall compose the Eleventh District.

Twelfth—The parishes of Calcasieu and St. Landry shall compose the Twelfth District.

Thirteenth—The parishes of Rapides, Avoyelles and Sabine shall compose the Thirteenth District.

Fourteenth—The parishes of Natchitoches, Catahoula and Union shall compose the Fourteenth District.

Fifteenth—The parishes of Concordia and Tensas shall compose the Fifteenth District.

Sixteenth—The parishes of Caldwell, Franklin and Madison shall compose the Sixteenth District.

Seventeenth—The parishes of Carroll and Morehouse shall compose the Seventeenth District.

Eighteenth—The parishes of Union, Ouachita and Jackson shall compose the Eighteenth District.

Nineteenth—The parishes of Claiborne, Bossier and Bienville shall compose the Nineteenth District.

Twentieth—The parishes of Caddo and DeSoto shall compose the Twentieth District.

7. Under the head of "General Provisions" your committee respectfully present the following additional articles:

ARTICLE.—All uncultivated lands in this State, owned by individuals, successions, companies, or corporations, consisting of over one hundred acres, shall be

taxed for all over that quantity, equally with like qualities of land in their neighborhood under cultivation.

ART. — All lands sold in pursuance of decrees of courts shall be divided into tracts of from ten to fifty acres. No individual, company, or corporation shall be allowed to purchase more than one hundred and fifty acres at any such sale.

ART. — All contracts made and entered into under the pretended authority of any governments heretofore existing in this State, by which children were bound out without the knowledge and consent of their parents, are hereby declared null and void; nor shall any child be bound out to any one for any term of years, while either of its parents live, except in cases of children legally sent to the House of Correction.

ART. — No person shall ever hold any office of profit or trust under this State, either by election or appointments; and every one holding such office shall be removed, who has fought a duel, sent or accepted a challenge, or in any way aided or abettet in bringing about a duel since the adoption of this Constitution. The General Assembly shall provide by stringent laws for the detection and punishment of all parties, and for the suppression of dueling.

ART. — There shall be appointed by the Governor, by and with the advice and consent of the Senate, a Board of Health for the State at large, consisting of seven members. They shall hold their office for two years, subject to removal for incompetency or neglect of duty, and receive such salaries as shall be provided by law.

ART. — Said Board of Health shall have power to regulate all matters that pertain to the general health throughout the State; and shall have exclusive control of the quarantine regulations.

They shall also regulate and control the subjects of drainage, the removal of offal and filth, the location of slaughter-houses, stocks, yards, soap and candle factories, and all manufactories of unhealthy or dangerous substances, and all dumping grounds, in the parishes of Orleans, Jefferson, and St. Bernard; *Provided*, That all stock-yards and slaughter-houses, the refused offal of which is thrown into the Mississippi river, shall be located below the limits of the city of New Orleans, and all dumping grounds shall be located not less than four miles above the present waterworks in the city of New Orleans, or below the city limits.

8. The following article, as a substitute for the first article, under title of the "Militia":

*Substitute*—The Legislature shall pro-

wide for volunteer militia organizations, to be composed only of able bodied registered citizens, between the ages of eighteen and forty-five. The Legislature shall allow no distinction of race or color in any militia organization.

9. A few verbal changes in article 97, of "General Provisions," and reducing their residence in the parish to twenty days.

10. The following article is respectfully offered as a substitute for article 98, "General Provisions:"

*Substitute.*—No person shall vote or hold any office of trust or profit under this State, either by election or appointment, who shall have been convicted of treason, or any crime punishable by imprisonment at hard labor for over six months, or who is rendered incapable of holding office by the third section of the fourteenth constitutional amendment, passed June 13, 1866, and who has been excluded from the privilege of voting in this State by virtue of the fifth and sixth sections of the Reconstruction Act of Congress, entitled "An act to provide for the more efficient governments of the rebel States," passed March 2, 1867, and also by virtue of the first section of the Supplementary Act of Congress to said bill, passed March 23, 1867; *Provided*, That the General Assembly of this State may, by a two-thirds vote of both Houses, remove such disability in regard to the right of franchise, in individual cases where returning loyalty to the general government is satisfactorily shown.

11. The following proviso to be added to article 97: "*Provided*, That no soldier, sailor or marine in the military or naval service of the United States, shall hereafter acquire a residence in this State by reason of being stationed or doing duty in the same."

All of which is respectfully submitted.

G. M. WICKLIFFE,

Chairman of Committee on Style and Arrangements.

I respectfully submit the following additional suggestions. RUFUS WAPLES.

ART. 86. After the word "Judge," insert "who shall have practiced law at least one year in this State, next preceding his entering upon his official duties."

In all cases where the words "elected by the qualified electors," or equivalent expressions, occur in relation to judicial office, it is recommended that they be stricken out and the phrase, "appointed by the Governor by and with the advice and consent of the Senate," inserted in lieu thereof.

ART. 98. Add to those disfranchised, "also all persons who served in the Con-

federate army, as generals of any grade."

ART. 128. Strike out the article, and insert:

SEC. 1. It shall be the duty of the Legislature to provide by the establishment of alms-houses, or otherwise, for the maintenance of all resident paupers in this State, and at least one-half the proceeds of the poll-tax shall be appropriated for this purpose.

SEC. 2. The Legislature shall provide for the payment into the Treasury, of the fees of every officer who shall have a surplus in any year, after retaining out of the fees, the sum of seven thousand dollars, and defraying his clerical and other office expenses, to be regulated by law. All money thus paid into the Treasury, shall be added to the charity fund.

Mr. Waples asked that the following statement of objections to the report be spread upon the minutes:

NEW ORLEANS, February 18, 1868.

Mr. President and other Members of the Convention:

I have just read the report of the Chairman of the Committee on Style and Arrangement for the first time. While I approve of some of the sections, I totally disapprove of others. The chairman suggested, in the committee, that he thought the judicial districts of the State should be rearranged, but I neither saw nor heard the plan here presented. I did assent to the first, second, third, fourth and fifth suggestions. The other suggestions, from the sixth to the eleventh, inclusive, were not recommended by me, and most of them meet with my decided disapproval.

I made the suggestions printed under my name, but not as "additional" to the others in such a sense as to imply approval of all the foregoing.

In justice to the chairman of the committee, I will add that he did nearly all the work in the committee, and that the other members, including myself, were not in constant attendance, although I gave much attention to the work before us, and attended every day, though not throughout the sessions of each day.

I make these explanations, lest the report should be considered the unanimous conclusion of the committee. The report was never submitted to me.

RUFUS WAPLES.

Mr. McMillen asked that the following statement of his objections to the report be spread upon the minutes:

The undersigned, a member of your Special Committee on Style and Arrangements, begs leave to state that the report just made and signed by the chairman of

said committee, was not submitted to him for approval and signature, and that he desires to enter his protest against the report, as a document emanating from the special committee appointed by authority of this Convention.

W. L. McMILLEN.

Mr. Wickliffe moved to receive and take up the report *seriatim*.

Mr. Pinchback moved to lay on the table.

Adopted.

Mr. Crane moved to recommit the Constitution as adopted to the Committee on Style and Arrangement with instructions to report the articles and provisions of the Constitution as adopted, and their recommendations separately.

Mr. Meadows moved to table.

Lost.

Mr. Berthonneau moved to amend by adding: "Provided that the printing of the Constitution, as passed by the Convention, be attended to by the Committee on Printing, and any amendments thereto be inserted in the margin opposite the article proposed to be amended."

The amendment was adopted.

The motion as amended prevailed.

Mr. Wickliffe moved that the Committee on Style and Arrangement be discharged and a new committee be appointed on Style and Arrangement.

The motion was lost.

The following statement was read and ordered to be spread upon the minutes:

We, the undersigned, members of the Committee on Style and Arrangement, state that we never have had the report, signed by the chairman of the committee, submitted to us at all; that we never saw it till laid on our desks this morning, in a printed form.

RUFUS WAPLES,  
P. G. DESLONDE,  
W. L. McMILLEN,  
S. BELDEN,  
L. S. RODRIGUEZ.

February 18, 1868.

It was solely the fault of said members of the committee who did not discharge their duties as they should have done.

G. M. WICKLIFFE.

Mr. Crane offered the following as an article of the Constitution:

ART. — Should from any cause a failure occur to elect the officers authorized in a preceding article in the schedule to this Constitution on the same day of the election on the question of its ratification; and

should the Constitution be ratified pursuant to the provisions of the Congressional acts of reconstruction, then, and in the event of the happening of the aforesaid conditional events, the elector for offices under this Constitution, shall be ordered and held pursuant to articles 149 and 150 of the majority report of the Committee on Draft of the Constitution.

Mr. Pinchback moved to adopt the preamble of the majority report.

Mr. Rodriguez was excused from service on Committee on Style and Arrangement, and Mr. Thos. Isabelle appointed in his place.

Mr. Waples moved to amend the motion of Mr. Pinchback by striking out all after the word "preamble," and inserting the preamble as reported by Mr. Wickliffe.

Mr. Pinchback moved to lay the motion of Mr. Waples on the table.

Lost—ayes 19, nays 29—as follows:

Yea: Antoine, Blandin, Bonnefoi, Cooley, Crawford, Dearing, Francois, Harper, Isabelle T., Massicot, McLeran, McMullen, Pinchback, Reagan, Riard, Smith, Snaer, Steele, Wilson—19 yeas.

Nay: Berthonneau, Bonseigneur, Crane, Cromwell, Demarest, Deslonde P. G., Donato, Duparte G., Dupart U., Esnard, Guichard, Harris, Hempstead, Isabelle R. H., Jackson, Landers, Lange, Meadows, Morris, Moses, Murrell, Newsham, Oliver, Pierce, Pollard, Riggs, Rodriguez, Waples, Williams—29 nays.

Mr. Smith moved to amend the amendment of Mr. Waples by striking out all after the word "and," fourth line, and inserting "resuming again its suspended representation under the Constitution of the United States, do make and ordain the following Constitution."

Pending the discussion of which, on motion of Mr. Berthonneau, the Convention adjourned till to-morrow at 10 a. m., Mr. Waples being entitled to the floor.

A true copy:

WM. VIGERS, Secretary.

#### SIXTY-EIGHTH DAY.

NEW ORLEANS, Wednesday, Feb. 19, 1868.  
The Convention met pursuant to adjournment, and was called to order by the President at 10 a. m.

The roll was called and the following delegates answered to their names:

J. G. Taliaferro, President; Messrs. Belden, Beronneau, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Gardiner, Harris, Harrison, Ingraham, R. H. Isabelle, T. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Marie, Martin, Massicot, Meadows, Morris, Moses, Mushaway, Myers, Oliver, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Snaer, Steele, Thibaut, Twitchell, Underwood, Valfroit, Waples, Williams, Wilson—66 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

Mr. Underwood moved that upon a motion to adjourn the roll shall be called, and any member not answering to his name shall forfeit his *per diem*.

Lost.

Mr. Pinchback was called to the chair.

Mr. Valfroit moved that when this Convention do adjourn it shall adjourn subject to the call of the President, but not *sine die*.

Lies over.

The Committee on Contingent Expenses submitted the following report :

NEW ORLEANS, February 19, 1868.

To the President and Members of the Convention:

GENTLEMEN—Your Committee on Contingent Expenses to whom the Gas Company bill of one hundred dollars and thirty-one cents was referred, respectfully reports favorably and desire a warrant for the above amount to be drawn for the payment.

J. B. ESNARD,

Chairman *pro tem.* of the Contingent Expenses Committee,

Which was received and the bill ordered to be paid.

Mr. Blackburn called up his resolution lying over from February 17, as follows:

*Resolved*, That the Sheriffs of the various parishes of the State, the parish of Orleans excepted, shall be and are hereby authorized to redeem the warrants of their respective delegates, which warrants shall be received from said Sheriffs at the State Treasury at par, as so much Convention tax paid. This provision to take effect from and after the adjournment of this Convention.

Mr. Beronneau moved to postpone indefinitely.

Lost.

Mr. Cooley moved to amend by adding the words "or tax collectors," after the word "Sheriffs," wherever it occurs.

Accepted.

Mr. Blandin moved to amend by adding:

*Provided*, That no delegate will receive any pay but in the parish in which they were elected, to date from the day of the adjournment of this Convention.

Laid on the table.

The resolution as amended, and reading as follows, was adopted:

*Resolved*, That the Sheriffs or tax collectors of the various parishes of the State, the parish of Orleans excepted, shall be and are hereby authorized to redeem the warrants of their respective delegates; which warrants shall be received from said Sheriffs or tax collectors at the State Treasury at par, as so much Convention tax paid. This provision to take effect from and after the adjournment of this Convention.

#### UNFINISHED BUSINESS.

The consideration of the amendment of Mr. Smith to Mr. Waples' amendment, to the motion of Mr. Pinchback, was resumed, Mr. Waples having the floor.

Mr. Meadows moved to lay the amendment of Mr. Smith on the table.

Adopted.

The question recurring upon Mr. Waples' amendment.

It was lost—ayes 10, nays 51—as follows:

Yea: Beronneau, Bonnefoi, Burrel, Crane, Cromwell, Depasseau, Duparte G., Riggs, Rodriguez, Waples—10 yeas.

Nays: Antoine, Baker, Belden, Blackburn, Brown, Cooley, Crawford, Cuney, Dearing, Deslonde P. G., Donato, Douglas, Dupart U., Duplessis, Francois, Ferguson, Gardiner, Guichard, Harris, Hempstead, Ingraham, Isabelle T., Jones, Lange, Leroy, Lewis R., Marie, Massicot, Meadows, McMillen, Morris, Moses, Murrel, Myers, Newsham, Oliver, Pinchback, Poindexter, Pollard, Reagan, Riard, Roberts, Smith, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—51 nays.

The question recurred upon the motion of Mr. Pinchback to adopt the preamble of the majority report, which was adopted, reading as follows :

## PREAMBLE.

We, the people of Louisiana, in order to establish justice, insure domestic tranquility, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution.

Mr. McMillen moved that the Constitution as adopted in detail be adopted as a whole, and upon this, called for the previous question.

The previous question was not ordered.

Mr. McMillen moved that the Secretary now proceed to read the Constitution as adopted, as enrolled by the Enrolling Clerk, that delegates may compare with it the printed copy furnished by the Committee on Printing.

Adopted.

The Convention adjourned until to-morrow at 10 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

## SIXTY-NINTH DAY.

NEW ORLEANS, Thursday, Feb. 20, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 o'clock A. M.

The roll was called, and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Butler, Coolcy, Crane, Crawford, Cromwell, Cuney, Dearing, Despasseau, P. G. Deslonde, Donato, G. Duparte, Francois, Fuller, Ferguson, Harris, Harrison, Ingraham, R. H. Isabelle, Thos. Isabelle, Kelso, Landers, Lange, Leroy, R. Lewis, Marie, Martin, Meadows, McLaran, Morris, Moses, Murrel, Mushaway, Myers, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Steele, Thibaut, Twitchell, Underwood, Valfroit, Wickliffe, Williams, Wilson—60 members present.

Prayer by the Rev. Stubbs.

The minutes were read and adopted.

The rules were suspended to take up the unfinished business, which was the consideration of the Constitution as it was adopted, article by article.

Mr. Reagan moved that we now proceed to adopt, title by title, the Constitution as reported by the Committee on Printing.

Mr. Pinchback moved:

That we take up the Constitution as reported by the Committee on Style and Arrangement and compare it, article by article, with the report of the Committee on Printing, and adopt the articles of either report as we may deem best, making the report of the Committee on Style and Arrangement the basis as to arrangement of the Constitution.

Mr. Crawford moved as an amendment:

That a special committee of five be appointed by the President to revise the style and arrangement of the Constitution, and that they have a correct copy printed as adopted and the proposed changes set forth specifically.

Which was adopted.

The Chair appointed as the Committee on Style and Arrangement of the Constitution, Messrs. Cooley, Waples, Crawford, McMillen, Crane and Pinchback.

On motion of Mr. Wickliffe the previous Committee on Style and Arrangements was discharged.

On motion of Mr. Hempstead the President was added to the Committee.

The Convention adjourned till Saturday at 12 M.

A true copy :

WM. VIGERS, Secretary.

## SEVENTIETH DAY.

NEW ORLEANS, Saturday, Feb. 22, 1868.

The Convention met pursuant to adjournment, and was called to order by the President.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Deslonde P. G., Donato, Douglass, Dupart U., Duplessis, Francois, Fuller, Gould, Harper, Isabelle R. H., Isabelle Thos., Jones, Landers, Lange, Leroy, Marie, Meadows, Moses, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Riard, Rodriguez, Steele, Thibaut, Twitchell, Waples, Wickliffe, Williams, Wilson—45 members present.

No quorum being present, the Convention adjourned till Monday, at 10 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

## SEVENTY-FIRST DAY.

NEW ORLEANS, Monday, Feb. 24, 1868.  
The Convention met pursuant to adjournment, and was called to order by the President.

The roll was called and the following delegates answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Desasseau, P. G. Deslonde, Donato, Dougias, G. Duparte, U. Dupart, Duplessis, Isnard, Francois, Fuller, Gardiner, Guichard, Harper, Harris, Harrison, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Landers, Lange, Leroy, Lewis, Marie, Martin, Meadows, McLean, Morris, Moses, Murrel, Mushaway, Iyers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reese, Riard, Roberts, Rodriguez, Smith, Snaer, Steele, Thibaut, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickriffe, Williams, Wilson—75 members present.

The minutes were read and adopted.

## ORIGINAL RESOLUTIONS.

By Mr. Harris:

*Resolved*, That the committee of seven to be appointed by this Convention, in accordance with the ordinance adopted February 13, 1868, be empowered to enforce the collection of the tax levied by this Convention by its ordinance passed December 4, 1867, and those supplementary thereto; to call this Convention together if deemed necessary, and to perform such other duties as may be necessary to carry out the will of his Convention, not inconsistent with any ordinance or resolution heretofore passed by this Convention.

Lies over.

By Mr. Blackburn:

WHEREAS, The loyal people of Louisiana, in accordance with the enactments of a loyal Federal Congress, have elected delegates to a Constitutional Convention, for the purpose, as directed by the said Congressional enactments, to frame a Constitution and form a civil government loyal to the Union; and

WHEREAS, The said Constitutional Convention is now about through with its work, and will soon submit its Constitution for ratification or rejection, with its plan of a civil State government loyal to the Union; therefore, be it

*Resolved* by the Constitutional Convention

of Louisiana as aforesaid, That a respectful but solemn protest is hereby entered, in the name of a down-trodden and oppressed people, against the enactment, by military order or otherwise, of any appropriation acts of a Legislature known to have been hostile to a loyal reconstruction of the Government; a Legislature which boldly and defiantly proposed to appropriate thousands upon thousands of dollars to test the constitutionality of the acts of Congress under the authority of which this Convention was convoked and convened; and more especially is a protest hereby most respectfully, but none the less earnestly, entered against the forced collection of any taxes "in greenbacks" founded upon said treasonable so-called State legislation for the purpose of paying the salaries of civil officers in our midst, known to be hostile to the objects and purposes for which this Convention was called into power by the legal law-making power of a loyal nation.

*Resolved*, That a copy of this, signed officially by the President of the Convention, and duly attested by the Secretary thereof, be forwarded to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to Gen. Grant.

Lies over.

By Mr. Harper:

*Resolved*, That the Official Printer be authorized to print two hundred (200) copies of the resolution offered by Mr. Blackburn, and adopted February 19th, 1868, authorizing tax collectors to redeem the warrants of their respective parishes, and that these copies be forwarded by the Secretary of the Convention to the State Auditor for distribution to the tax collectors for their information and guidance.

Lies over.

By Mr. R. I. Cromwell :

*Motion*--That from and after this day, no person that is not a member shall be allowed within the bar during the sessions of this Convention.

Laid on the table.

By Mr. R. H. Isabelle:

WHEREAS, This Convention has adopted a resolution instructing the Warrant Clerk to make warrants in small sums to suit the demands of delegates and employees of this Convention, which has increased the labors of the Warrant Clerk to such an extent as to compel him to ask for assistance; and,

WHEREAS, Lucian Lamaniere did volunteer his services as assistant to facilitate the

issue of warrants for several days past; therefore, be it

*Resolved*, That a compensation of one hundred and fifty dollars be paid said L. Lamaniere for volunteer services rendered as Assistant Warrant Clerk. Lies over.

Mr. Cromwell moved to take up the memorial of the Convention of the State of Georgia.

Laid on the table.

The Convention took a recess until 1 P. M., after which the Convention reassembled and, a quorum being present, the Special Committee to revise the Constitution, through Mr. Cooley, Chairman, submitted the following report:

To the Constitutional Convention of the State of Louisiana:

The Committee appointed by this Convention, by resolution of date the 20th of this month, to prepare a copy of the Constitution, as adopted in detail by the Convention, and to suggest such amendments as they may deem necessary, now report as follows:

They have examined with great care the various articles passed by the Convention, and now present to the Convention the whole, exactly as adopted. Under the authority conferred upon them by the resolution of the Convention, they have proposed various corrections and amendments to the articles as passed. Some of these corrections and amendments only change the style, others the punctuation and some the substance of the various articles. It will be seen that these corrections and amendments are printed separately from the article to which they refer. Thus giving the delegates an opportunity of reading the original article, and opposite to each the proposed amendments or corrections. Some slight mistakes have been made by the printer, to which the special attention of the Convention is called.

To the 10th article, the committee proposed the correction of striking out, in the second line, the word "an." The printer made the correction without any correction, so that the text herein presented is already corrected.

To article 22, the committee proposed striking out certain words to make the article read as printed under number 22 of the corrections, and the printer confounded the proposed corrections, in detail, but printed the article so that it reads exactly as the committee desired it should.

Article 87, the proposed corrections were made by the printer, in the text, without authority.

Article 99—Proposed corrections. is printed "nine seventy" and should "ninety-seven."

Article 133—In the 19th line of proposed correction, the word "32d" should read "28."

Article 140—Proposed corrections. The words "in the 3d line" should be added after the word "whatever," and changing the punctuation, so that the full sentence shall be after the word "line."

W. H. COOLEY, Chairman  
JAS. G. TALIAFERRO,  
P. B. S. PINCHBACK,  
T. S. CRAWFORD,  
RUFUS WAPLES,  
W. R. CRANE.

The committee recommended the following alterations, as signed by them respectively:

Article 10—To strike out, in the 2d line, the word "an."

Article 11—As a substitute we recommend the following:

No law shall be passed fixing the price of manual labor.

R. WAPLES,  
W. R. CRANE,  
P. B. S. PINCHBACK.

Article 13—As a substitute we recommend the following:

All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business, or public resort, for which a licence is required, by either State, parish or municipal authority, shall be deemed places of a public character, and shall be opened to accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

W. R. CRANE,  
P. B. S. PINCHBACK.

We object both to the original article and the substitute and recommend that neither be inserted.

W. H. COOLEY,  
T. S. CRAWFORD.

Article 20—To strike out, 4th line, words "whole number of," and insert words "total population."

Recommended by the COMMITTEE.

And to insert, 8th line, before the word "district," the words "parish or electric."

Recommended by the COMMITTEE.

To insert, 6th line, in place of the figure "1870" the words "eighteen hundred and seventy-five."

Recommended by the COMMITTEE.

And add to the article the words, "until the State census of the year eighteen

undred and seventy-five, the apportionment of the State shall be made on the basis of the census of the United States for the eighteen hundred and seventy." recommended by the

## COMMITTEE.

The article will then read as follows:

ART. 20. Representation in the House of Representatives shall be equal and uniform; after the first General Assembly elected under this Constitution, shall be ascertained and regulated by the total population; each parish in the State being entitled at least one representative. A census of the State by State authority shall be taken every year eighteen hundred and seventy-five, and every ten years thereafter. In case of informality, omission or error, in census returns from any parish or election district, the General Assembly may order a new census taken in such parish or election district; but until the State census of eighteen hundred and seventy-five, the apportionment of the State shall be made on the basis of the census of the United States for the year eighteen hundred and seventy.

recommended by the

## COMMITTEE.

ART. 22. To strike out all in the 1st to 4th lines, and insert, "until an apportionment shall be made in accordance with provisions of article twenty, the representation in the Senate and House of Representatives shall be as follows."

To strike out all from the word "and," 5th line, to the word "twenty," 3d line.

To strike out, 5th line, the words "and be elected as follows."

recommended by the

## COMMITTEE.

To strike out, 16th line, the word "eventh," and to insert the words "Orleans right bank."

recommended by the

## COMMITTEE.

To strike out, 12th line, the words "the District of New Orleans," and insert "leans right bank."

recommended by the

## COMMITTEE.

We recommend to strike out the entire article and insert article twenty, majority vote, as follows:

Article 22—Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in article twenty, the representation in the Senate and House of Representatives shall be as follows:

For the parish of Orleans:

First Representative District.....	two
Second      "	two
Third      "	four
Fourth     "	one
Fifth      "	two
Sixth     "	one
Seventh   "	two
Eighth    "	one
Ninth     "	one
Tenth    "	three
Orleans Right Bank.....	one
Ascension.....	two
Assumption.....	two
Avoyelles.....	two
Baton Rouge, East.....	three
Baton Rouge, West.....	one
Bienville.....	one
Bossier.....	two
Caddo.....	three
Calcasieu.....	one
Caldwell.....	one
Carroll.....	two
Catahoula.....	one
Claiborne.....	two
Concordia.....	two
DeSoto.....	two
Feliciana, East.....	two
Feliciana, West.....	one
Franklin.....	one
Ibererville.....	two
Jackson.....	one
Jefferson.....	four
Lafayette.....	one
Lafourche.....	two
Livingston.....	one
Madison.....	one
Morehouse.....	one
Natchitoches.....	two
Ouachita.....	two
Plaquemine.....	one
Point Coupee.....	two
Rapides.....	three
Sabine.....	one
St. Bernard.....	one
St. Charles.....	one
St. Helena.....	one
St. James.....	two
St. John Baptist.....	one
St. Landry.....	four
St. Martin.....	two
St. Mary.....	two
St. Tammany.....	one
Tensas.....	two
Terrebonne.....	two
Union.....	one
Vermillion.....	one
Washington.....	one
Winn.....	one

Total.....ninety-eight

And the State shall be divided into the following Senatorial districts, to wit:

The First, Second and Third Representative Districts of New Orleans shall form one

Senatorial District, and elect three Senators.

The Fourth, Fifth and Sixth Representative Districts of New Orleans shall form one District, and elect two Senators.

The Seventh, Eighth and Ninth Representative Districts of New Orleans and the parish of St. Bernard shall form one District, and elect two Senators.

The Tenth Representative District of New Orleans shall form a District, and elect one Senator.

Orleans, right bank, and the parish of Plaquemines shall form one District and elect one Senator.

The parishes of Jefferson, St. Charles and St. John the Baptist shall form one District, and elect two Senators.

The parishes of Ascension and St. James shall form one District, and elect one Senator.

The parishes of Assumption, Lafourche and Terrebonne shall form one District, and elect two Senators.

The parishes of Vermillion and St. Mary shall form one District, and elect one Senator.

The parishes of Calcasieu, Lafayette and St. Landry shall form one District, and elect two Senators.

The parishes of Livingston, St. Helena, Washington and St. Tammany shall form one District, and elect one Senator.

The parishes of Point Coupee, East Feliciana and West Feliciana shall form one District, and elect two Senators.

The parish of East Baton Rouge shall form one District, and elect one Senator.

The parishes of West Baton Rouge, Iberville and St. Martin shall form one District, and elect two Senators.

The parishes of Concordia and Avoyelles shall form one District, and elect one Senator.

The parishes of Tensas and Franklin shall form one District, and elect one Senator.

The parishes of Carroll, Madison and Morehouse shall form one District, and elect two Senators.

The parishes of Ouachita and Caldwell shall form one District, and elect one Senator.

The parishes of Jackson and Union shall form one District, and elect one Senator.

The parishes of Bossier, Bienville and Claiborne shall form one District, and elect two Senators.

The parish of Caddo shall form one District, and elect one Senator.

The parishes of DeSoto, Natchitoches and Sabine shall form one District, and elect two Senators.

The parish of Rapides shall form one District, and elect one Senator.

The parishes of Catahoula and Natchitoches shall form one District, and elect one Senator.

Thirty six Senators in all.

J. G. TALIAFERRO

W. H. COOLEY,

P. B. S. PINCHBACK

T. S. CRAWFORD

Article 25—I recommend to strike out the article altogether. W. R. CRAVEN

Article 26—I recommend to strike out the entire article. W. R. CRAVEN

Article 27—To add at the close of the article the words “except as hereinafter provided.”

Recommended by the

COMMITTEE.

Article 29—To strike out, 3d line, the word “is,” and insert the words “shall be”

Recommended by the

COMMITTEE.

Article 30—To strike out, 2d line, the word “whole.”

Recommended by the

COMMITTEE.

It will then read “When a District have elected two or more Senators whose respective terms of office shall be determined by lot between themselves.”

To insert, 5th line, between the “Representatives,” and “of,” the “those.”

It will then read as follows: “vacated at the expiration of the term first House of Representatives, those second class,” etc.

Recommended by the

COMMITTEE.

Article 36—To strike out, 2d line, the word “own.”

Recommended by the

COMMITTEE.

Article 39—To strike out, 7th line, the words “General Assembly,” and the words “House of Representative.”

Recommended by the

COMMITTEE.

And strike out all after the word 11th line, and insert the words “the General Assembly that shall convene the adoption of this Constitution, continue in session for one hundred twenty days.”

Recommended by the

COMMITTEE.

Article 40—Strike out, 2d line, the word “and” and insert the word “or.”

Recommended by the

COMMITTEE.

Article 41—To strike out, 6th line, the words “except to such offices as are filled by an election by the people.”

Recommended by the COMMITTEE.

Article 42—To strike out, 2d line, the word “over.”

Recommended by the COMMITTEE.

To strike out, 3d line, the words “in case of emergency.”

Recommended by the COMMITTEE.

Article 43—To strike out, 3d line, the word “new.”

Recommended by the COMMITTEE.

Article 45—To strike out, 1st line, the words “The Senate shall vote,” and insert, after the word “Senate,” the words “vote shall be taken.”

Recommended by the COMMITTEE.

Article 49. To insert, 2d line, after the words “United States,” the words “thirty years of age,” and after the word “elect,” 3d line, the words “five years preceding his election,” instead of the words “two years.”

W. H. COOLEY,  
T. S. CRAWFORD,  
W. R. CRANE,  
RUFUS WAPLES.

I recommend to insert as an additional article the following:

Art. —. The Lieutenant Governor shall receive a salary of three thousand dollars per annum, payable quarterly upon his warrant.

P. B. S. PINCHBACK.

Article 66—To substitute, 8th line, “like-  
wise,” for “be likewise.”

Recommended by the COMMITTEE.

Article 75—To strike out the words, 7th

line, “appointed by the Governor, with  
advice and consent of the Senate,” and

the words “elected by the qualified  
voters of the State.”

W. R. CRANE.

To strike out, 10th line, the words “five  
years, the last three thereof, next preceding  
their appointment,” and insert the words  
“ten years next preceding their  
appointment.”

W. H. COOLEY,  
T. S. CRAWFORD,  
W. R. CRANE.

Article 77—To strike out, 3d line, the word “all.”

Recommended by the COMMITTEE.

Article 83—We recommend to strike out  
from the 1st to the 6th lines to the word  
“and” and insert the following:

The Legislature shall divide the State  
into judicial districts, which shall remain  
united for six years, and be subject to

reorganization every sixth year. For each District Court one Judge, learned in the law, shall be appointed by the Governor, with the advice and consent of the Senate.”

T. S. CRAWFORD,  
W. H. COOLEY,  
P. B. S. PINCHBACK,  
R. WAPLES,  
J. G. TALIAFERRO.

Article 83—If the article is retained we recommend to strike out, 3d and 4th lines, the words “and for their respective” and insert the words “for each;”

And insert after the word “electors,” 4th line, the word “thercōf;”

And strike out all in the 5th and 6th lines to the word “for.”

Recommended by the COMMITTEE.

To strike out, 11th line, all after the word “Orleans” to the end, and insert the following:

“With the following original jurisdiction; the first, exclusive criminal jurisdiction; the second, exclusive probate jurisdiction; the third, exclusive jurisdiction of appeals from justice of the peace; the fourth, fifth, sixth and seventh District Courts, exclusive jurisdiction in all civil cases, except probate, when the sum in contest is above one hundred dollars, exclusive of interest. These seven courts shall also have such further jurisdiction, not inconsistent herewith, as shall be conferred by law.”

Recommended by the COMMITTEE.

To strike out, 16th and 17th lines, the word “districts,” and insert the word “parishes.”

Recommended by the COMMITTEE.

Article 85—To strike out all in the 3d line, from the word “they,” to the word “interest,” 6th line, inclusive;

And strike out the word “not probate,” 2d line.

Article 86—To strike out, 2d and 3d lines, the word “they,” and insert the word “he;”

And to strike out, in the 2d line, the word “their,” and insert the word “his;”

And to strike out, 6th line, the word “now,” and insert in the 7th line the word “district” before “clerk;”

And to strike out, 2d line, the word “offices,” and insert the word “office.”

Recommended by the COMMITTEE.

To insert after the word “Judge,” 1st line, the words “who shall have practiced law in this State at least one year previous to his appointment.”

R. WAPLES,  
W. H. COOLEY.

Concurring in the previous verbal amendments, we propose these additional substantive amendments:

To strike out, 1st line, the words "elected by the qualified electors of the parish," and insert the words "appointed by the Governor with the advice and consent of the Senate;"

To strike out, 3d line, the word "two," and insert the word "four;"

To add to the 7th line "and of this State."

W. H. COOLEY,  
T. S. CRAWFORD,  
P. B. S. PINCHBACK,  
R. WAPLES,  
J. G. TALIAFERRO.

Article 87—Strike out, 9th line, from the word "in" to the word "matters," 13th line inclusive, and insert in lieu thereof the following:

"All successions shall be opened and settled in the parish courts; and all suits in which a succession is either plaintiff or defendant, may be brought either in the parish or district court, according to the amount involved;"

And add the letter "s" to the word "power," 17th line; and add the letter "s" to the word "magistrate," 17th line;

And strike out word "a" before "magistrate" in 17th line.

Recommended by the

COMMITTEE.

Article 89—To strike out, 7th line, the word "twenty-five," and insert the word "ten."

Recommended by the

COMMITTEE.

Article 90—To strike out, 4th line, the words "judges of the courts," and insert the words "a judge of his court."

Recommended by the

COMMITTEE.

Article 93—To strike out, 6th line, the words "exclusive control," and insert the word "charge."

Recommended by the

COMMITTEE.

Article 95—To insert, 6th line, the word "associate before the word "Judge."

Recommended by the

COMMITTEE.

Article 96—To strike out, 3d line, the word "under" and insert the word "in."

Recommended by the

COMMITTEE.

Article 97—To strike out, 5th and 6th lines, the words "except those disfranchised by this Constitution."

W. H. COOLEY,  
W. R. CRANE.

To strike out, 2d and 3d lines, the words "subject to the jurisdiction thereof."

W. H. COOLEY.

Article 98—To strike out, 5th line after the word "interdiction," to the of the article.

W. R. CRANE,  
W. H. COOLEY,  
J. G. TALIAFERRO.

To insert, 24th line, after the word "bellion," the words, "also all who serve the Confederate army, above the rank colonel."

R. WAPLES.

To strike out, 14th line, the word "cuit" between the words "Supreme" "district."

Recommended by the  
COMMITTEE.

To strike out, 21st line, the word and insert the word "and."

Recommended by the  
COMMITTEE.

If the principle of disfranchisement adopted by the Convention, I propose strike out, 17th line, the words "and trict;"

And in 20th line to strike out the words "approved or encouraged the secession" and insert the words "aided or assisted any manner the passage of the ordinance of secession;"

And to add, 25th line, the words "vided that nothing contained in this article shall be construed to disfranchise any son who accepted the benefits of any of amnesty proclamations issued by Abraham Lincoln, President of the United States

W. H. COOLEY,  
W. R. CRANE,  
R. WAPLES,  
J. G. TALIAFERRO.

Mr. Pinchback concurs in the last amendment proposed.

Article 99—To strike out the entire article and insert article nine-seventy, major report, as follows:

ART. —. Members of the General Assembly, and all other officers, before they enter upon the duties of their offices, shall take the following oaths or affirmation: "I (A B) do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and Constitution and laws of this State, and I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my ability and understanding. So help God."

Recommended by the  
COMMITTEE.

Article 103—To strike out all after word "law," 4th line.

Recommended by the  
COMMITTEE.

Article 108—To strike out, 2d line, word "written."

Recommended by the  
COMMITTEE.

To strike out, 3d line, the words "and  
inducted," and insert before the word  
"romulgated," the word "and."

Recommended by the  
COMMITTEE.

Article 108—To add to the article, the  
words "and no law shall require judicial  
process to be issued in any other than the  
English language."

Recommended by the  
COMMITTEE.

Article 109—To strike out the entire  
article.

Recommended by the  
COMMITTEE.

Article 110—To strike out, 4th line, the  
word "previously."

Recommended by the  
COMMITTEE.

Article 111—To strike out, 7th line, after  
the word "irrepealable," the word "unless,"  
and insert the word "until."

To strike out the letter "s" in "contains,"  
8th line.

Recommended by the  
COMMITTEE.

Article 114—To strike out the words  
assessed by the General Assembly."

And to strike out, 2d line, the words "shall  
brace but one object and that shall be  
expressed by the title," and insert the words  
"all express its object or objects in its  
e." so that the article shall read "Every  
shall express its object or objects in its  
e."

Recommended by the  
COMMITTEE.

Article 118—To strike out all from the  
3d "and," 9th line, to the word "sales,"  
10th line, inclusive.

Recommended by the  
COMMITTEE.

To strike out, 13th line, all after the word  
"purposes," and insert the following: "But  
property shall be taxed more than two  
cent. per annum, upon its assessed  
value, and no poll tax shall exceed one dol-  
lar and fifty cents per annum."

Recommended by the  
COMMITTEE.

Article 119—To strike out the entire  
article.

Recommended by the  
COMMITTEE.

Article 124—To strike out the entire  
article, and insert the following: "No tacit  
mortgages, except those now in existence,  
shall ever be enforced or recognized in this  
State."

R. WAPLES,  
P. B. S. PINCHBACK,  
W. H. COOLEY,  
J. G. TALIAFERRO.

Article 124—If the above substitute is not  
adopted, we recommend to insert, 2d line,  
the words "dotal and," before the word  
"paraphernal," and to strike out, 3d line,  
the words "and for the registration of the  
same," and to strike out, 3d line, the words  
"or privilege," and to strike out, 6th line,  
the words "and privileges," and to add,  
8th line, the word "five," and to strike out,  
10th line, the words "and privileges."

R. WAPLES,  
W. H. COOLEY,  
J. G. TALIAFERRO,  
P. B. S. PINCHBACK.

To add, 2d line, the words "dotal and,"  
before "paraphernal." I favor the article  
entire as thus amended. W. R. CRANE.

ART. 125. To add to the article, the  
words "residing in the State."

Recommended by the  
COMMITTEE.

ART. 126. To strike out the entire article.

W. R. CRANE.

ART. 128. To substitute for the entire  
article, the following:

"It shall be the duty of the General As-  
sembly to provide for the support of all  
paupers residing within the State."

R. WAPLES.

ART. 128. To strike out the entire article.

W. H. COOLEY,  
J. G. TALIAFERRO,  
W. R. CRANE,  
P. B. S. PINCHBACK,

ART. 129. To strike out the entire article.

W. H. COOLEY,  
W. R. CRANE.

Article 130—To strike out, 1st line, the  
words "still unexecuted."

R. WAPLES,  
P. B. S. PINCHBACK,  
J. G. TALIAFERRO.

To strike out the entire article.

W. H. COOLEY,  
W. R. CRANE.

Article 132—To strike out the words  
"Baton Rouge," and insert the words  
"New Orleans."

R. WAPLES,  
J. G. TALIAFERRO,  
W. R. CRANE.

We recommend to strike out title VII, and  
article 133.

J. G. TALIAFERRO,  
R. WAPLES,  
W. R. CRANE,  
W. H. COOLEY,  
P. B. S. PINCHBACK.

The committee recommend as article —,  
under the title of General Provisions, the  
following:

"No judicial powers shall be exercised by  
clerks of courts."

Article 133—If the article is adopted, we recommend to strike out, 10th line, the words “the same report upon,” and 10th line, the words, “in progress;” it will then read, “he shall communicate to the General Assembly, through the Governor, annually, his views concerning the condition of the public works, recommend such measures as in his opinion the public interest of the State may require, and shall perform, etc., etc.”

And in the 20th line to strike out the word “their” and insert the word “internal;”

And substitute the word “improvements” for the word “improvement;”

And insert, after it the words “in their respective districts.”

It will then read, “to tax themselves for internal improvements in their respective districts;”

And to strike out, 22d line, the word “have;”

And to strike out, 28th and 29th lines, the words “the general laws of the State,” and insert the words “the general system of internal improvements adopted by the State;”

And to strike out, 32d line, the words “or otherwise.”

Recommended by the

COMMITTEE.

Article 134—To strike out the entire article, and insert article one hundred and thirty-six of the majority report, as follows:

“It shall be the duty of the General Assembly to make provision for the education of all the youths in the State between the ages of six and eighteen years, without prejudice or partiality to any one.”

W. H. COOLEY,  
T. S. CRAWFORD.

If the article stands as adopted to strike out, 3d line, the word “their” and insert the word “its.”

Recommended by the

COMMITTEE.

Article 134—To strike out, 1st and 2d lines, the words “at least one free public school in every parish,” and insert the words “a system of free public schools throughout the State.”

W. H. COOLEY,  
P. B. S. PINCHBACK,  
T. S. CRAWFORD.

To strike out, 9th line, before the word “race,” the word “exclusive,” and insert after the word “established” the word “exclusively.”

Recommended by the

COMMITTEE.

Article 135—To strike out the entire article.

W. H. COOLEY,

T. S. CRAWFORD.

Article 136—To strike out the entire article.

W. H. COOLEY,

T. S. CRAWFORD.

If the article is adopted, we propose to strike out, 1st and 2d lines, the words “elected by the qualified voters of the State,” and insert the words “appointed by the Governor.”

W. H. COOLEY,

R. WAPLES,

T. S. CRAWFORD.

To strike out all after the word “law” 4th line.

Recommended by the

COMMITTEE.

Article 137—To strike out the entire article.

W. H. COOLEY,

W. R. CRANE.

Article 138—To strike out the entire article, and substitute article 137, of the majority report, as follows:

ART. 137.—The proceeds of all land heretofore granted by the United States for the use and support of public schools, and of all lands or other property which may hereafter be bequeathed for that purpose, and of all lands which may be granted or bequeathed to the State and not granted or bequeathed expressly for any other purpose, which may hereafter be disposed of by the State, and the proceeds of all estates of deceased persons to which the State may be entitled by law, shall be held by the State as a loan and shall be and remain a perpetual fund on which the State shall pay an annual interest of six per cent., which interest, with the interest of the trust fund deposited with this State by the United States, under the act of Congress approved June 23, 1836, and the rent of unsold land shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

Recommended by the

COMMITTEE.

Article 139—To strike out the entire article, as its substantial provisions are all expressed in article one hundred and thirty-seven, majority report, as previously recommended by the Committee.

Recommended by the

COMMITTEE.

Article 140—To strike out all after the word “whatever.”

Recommended by the

COMMITTEE.

Article 141—To strike out the entire article.

Recommended by the

COMMITTEE.

Articles 144 and 145—To strike out the entire articles.

W. R. CRANE.

Article 145—To strike out all after the word “as,” 4th line, and insert the word “officers and privates, as is received by

fficers and privates in the United States  
rmy."

Recommended by the

COMMITTEE.

Article 146—To strike out, 3d line, the  
ords "two-thirds," and insert the words  
a majority." W. R. CRANE.

To insert, 5th line, the word "respec-  
ve," between the words "their" and  
journals."

Recommended by the

COMMITTEE.

Article 148—To strike out 10th, 11th,  
d, 24th, 25th, 26th and 27th lines.

W. H. COOLEY.

Articles 152, 153, 154, 155, 156, 157, 158,  
9 and 160—To strike out the entire arti-  
es, and insert articles 149 and 150, majori-  
report, as follows:

**ART. —** After the Constitution shall  
ave been ratified, the President of the  
onvention, or, in case of his death or ab-  
ence, the Chief Justice of the State, shall  
mediately give notice of the ratification  
ereof, and order an election of all elective  
fficers under this Constitution, to take  
lace within thirty days thereafter. Imme-  
ately after the ratification of this Constitu-  
tion, the President of the Convention  
all appoint one registrar in each parish,  
cept the parish of Orleans, and one in  
ch district of the parish of Orleans, who  
all, each in his parish or district, appoint  
missioners to hold the first election  
der this Constitution.

**ART. —** The election thus ordered shall  
e held at the place now prescribed by law,  
d shall continue two days; the place for  
ting to be kept open from sun-rise to sun-  
et each day. Returns shall be made in  
iplicate, sworn to by the commissioners  
olding the election, and forwarded within  
ree days thereafter to the registrar of the  
ish or district. The registrar shall im-  
ediately forward one copy of said returns  
the President of the Convention, or in  
ce of his death, to the Chief Justice of  
e State, who shall within——days after  
e last day of the said election make pro-  
ecution of the result thereof. All officers  
us elected shall enter upon the discharge  
their respective duties on the Monday  
ext succeeding the day upon which the  
oclamation heretofore provided for shall  
e made, and continue in office until their  
cessors shall be inducted into office.

W. H. COOLEY,  
W. R. CRANE.

Article 152—To strike out, 1st line, the  
ords "or rejection."

Recommended by the

COMMITTEE.

Article 153—To strike out, 4th line, all  
ter the word "ratification," to the word

"at," 6th line, and insert the following:  
"For members of the General Assembly,  
members of Congress, and for State officers,  
to fill the offices created by this Constitu-  
tion in the articles under the title of Execu-  
tive Department." R. WAPLES.

Article 158—To strike out all after the  
word "1866," in sixth line.

R. WAPLES,  
W. R. CRANE,  
W. H. COOLEY.

To strike out, 2d line, the words "Baton  
Rouge" and insert the words "New Or-  
leans."

W. CRANE,  
R. WAPLES.

The Convention proceeded to take up the  
Constitution from the printed report of the  
special committee.

The preamble, reading as follows, was  
adopted:

#### PREAMBLE.

We, the people of Louisiana, in order to  
establish justice, insure domestic tran-  
quility, promote the general welfare and  
secure the blessings of liberty to ourselves  
and our posterity, do ordain and establish  
this Constitution.

Article 1, as follows, was adopted:

#### CONSTITUTION—TITLE I—BILL OF RIGHTS.

**ARTICLE 1.**—All men are created free and  
equal, and have certain inalienable rights;  
among these are life, liberty and the pur-  
suit of happiness. To secure these rights,  
governments are instituted among men,  
deriving their just powers from the consent  
of the governed.

Mr. Cromwell moved to amend article 2  
by inserting, 3d line, after the word State,  
the following :

Except those who are *prohibited* from  
holding office by the third section of  
fourteenth *article* of the *amendment* to  
the *Constitution* of the *United States* and  
those excluded from *voting* by the acts of  
Congress, passed March 2, 1867, entitled  
"An act to provide for the more efficient  
government of the rebel States," and the  
acts supplementary thereto, the citizens of  
this State owe allegiance to the *United*  
*States*; and this allegiance is paramount to  
that which they owe to the *State*. They  
shall enjoy the same *civil*, *political*, and  
public rights and privileges, and be subject  
to the same pains and penalties.

Laid on the table.

Mr. Wickliffe moved to amend by insert-  
ing, 2d line, after the words "United  
States," the words "and subject to the  
jurisdiction thereof."

Adopted.

The article, as amended, reading as follows, was adopted:

ART. 2. All persons, without regard to race, color or previous condition, born or naturalized in the United States and subject to the jurisdiction thereof, and residents of this State for one year, are citizens of this State. The citizens of this State owe allegiance to the United States, and this allegiance is paramount to that which they owe to the State. They shall enjoy the same civil, political and public rights and privileges, and be subject to the same pains and penalties.

Articles 3, 4, 5 and 6 were adopted as follows:

ART. 3. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

ART. 4. The press shall be free; every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of this liberty.

ART. 5. The right of the people peaceably to assemble and petition the Government, or any department thereof, shall never be abridged.

ART. 6. Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an impartial jury of the parish in which the offense was committed, unless the venue be changed. He shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor. He shall not be tried twice for the same offense.

Article 7 was adopted:

ART. 7. All persons shall be bailable by sufficient securities, unless for capital offenses where the proof is evident, or the presumption great, or unless after conviction, for any crime or offense punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended.

Mr. Wickliffe moved to amend article 8 by adding:

Nor shall any person be arrested or imprisoned for debt in this State.

Mr. Cooley moved to amend the amendment by adding:

Except in cases where fraud is charged and sworn to, or the debtor is about ab-

sconding from the State for the purpose defrauding his creditor or creditors.

Mr. Bertonneau moved to lay both the amendments on the table.

Adopted.

Mr. Rodriguez was called to the chair.

Articles 8, 9 and 10 were adopted as follows:

ART. 8. Excessive bail shall not be required; excessive fines shall not be imposed nor cruel, or unusual punishments inflicted.

ART. 9. The right of the people to secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched or the person or things to be seized.

ART. 10. All courts shall be open; and every person for injury done him in land, goods, person or reputation, shall have adequate remedy by due process of law and justice administered without denial or unreasonable delay.

Mr. Wickliffe moved to lay on the table article 11 and the substitute proposed.

Lost.

Mr. Blackburn moved to amend the substitute of Messrs. Waples, Crane and Pinchback, by adding:

Nor shall the Legislature have power to fix the price of legal advertising in the State.

Laid on the table.

The substitute was adopted in lieu of the original, as follows:

ART. 11. No law shall be passed fixing the price of manual labor.

Article 12 was adopted as follows:

ART. 12. Every person has the natural right to worship God according to the dictates of his conscience. No religious test shall be required as a qualification for office.

The substitute, recommended by Messrs. Crane and Pinchback, was adopted as article 13, in place of the original article reading as follows:

ART. 13. All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business, or of public resort, or for which a license is required by either State, parish or municipal authority, shall be deemed places of a public character, and shall be opened for the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

Mr. Cooley moved to amend article 14 by adding:

*Provided*, Nothing contained in article 13 shall be construed to give greater rights to any persons, of whatever race or color, than are now possessed by persons of the white race.

Laid on the table.

Mr. Cooley recorded his vote.

I vote against laying on the table the proviso offered by me to article 14, Bill of Rights.

W. H. COOLEY.

Article 14, as follows, was adopted:

ART. 14. The rights enumerated in this title shall not be construed to limit or abridge other rights of the people not herein expressed.

Mr. Wickliffe moved to amend article 15 by striking out the words "General Assembly," and inserting the word "Legislature."

Lost.

Articles 16, 17, 18 and 19 were adopted as follows:

ART. 16. The members of the House of Representatives shall continue in office for two years from the day of the closing of the general elections.

ART. 17. Representatives shall be chosen on the first Monday in November, every two years, and the election shall be completed in one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed by law; and their sessions shall be held at the seat of Government.

ART. 18. Every elector under this Constitution, shall be eligible to a seat in the House of Representatives; and every elector who has reached the age of twenty-five years, shall be eligible to the Senate; *Provided*, That no person shall be a Representative or Senator, unless at the time of his election, he be a qualified elector of the representative or senatorial district from which he is elected.

ART. 19. Elections for members of the General Assembly shall be held at the several election precincts established by law.

The substitute to article 20, proposed by the committee, as follows, was adopted in lieu of the original article.

ART. 20. Representation in the House of Representatives shall be equal and uniform; and after the first General Assembly elected under this Constitution, shall be ascertained and regulated by the total population; each parish in the State being entitled to at least one Representative. A

census of the State by State authority shall be taken in the year eighteen hundred and seventy-five, and every ten years thereafter. In case of informality, omission or error, in the census returns from any parish or election district, the General Assembly may order a new census taken in such parish or election district; but until the State census of eighteen hundred and seventy-five, the apportionment of the State shall be made on the basis of the census of the United States for the year eighteen hundred and seventy.

Article 21 was adopted, as follows:

ART. 21. The General Assembly, at the first session after the making of each enumeration, shall apportion the representation amongst the several parishes and representative districts, on the basis of the total population as aforesaid. A representative number shall be fixed, and each parish and representative district shall have as many representatives as the number of its total population will entitle it to have; and an additional representative for any fraction exceeding one-half of the representative number. The number of representatives shall never exceed one hundred and twenty nor be less than ninety.

All the amendments to article 22, as proposed by the committee, were adopted, and the article as amended, reading as follows, was adopted:

ART. 22. Until an apportionment shall be made in accordance with the provisions of article twenty, the representation in the Senate and House of Representatives shall be as follows:

For the parish of Orleans:	
First Representative District	.....two
Second "	" three
Third "	" four
Fourth "	" two
Fifth "	" two
Sixth "	" one
Seventh "	" two
Eighth "	" one
Ninth "	" two
Tenth "	" three
Orleans right bank	.....one
Ascension	.....two
Assumption	.....two
Avoyelles	.....two
Baton Rouge, East	.....three
Baton Rouge, West	.....one
Bienville	.....one
Bossier	.....two
Caddo	.....three
Calcasieu	.....one
Caldwell	.....one
Carroll	.....two
Catahoula	.....one

Claiborne.....	two
Concordia.....	two
De Soto.....	two
Feliciana, East.....	two
Feliciana, West.....	one
Franklin.....	one
Iberville.....	two
Jackson.....	one
Jefferson.....	four
Lafayette.....	one
Lafourche.....	two
Livingston.....	one
Madison.....	one
Morehouse.....	one
Natchitoches.....	two
Ouachita.....	two
Plaquemines.....	one
Point Coupee.....	two
Rapides.....	three
Sabine.....	one
St. Bernard.....	one
St. Charles.....	one
St. Helena.....	one
St. James.....	two
St. John Baptist.....	one
St. Landry.....	four
St. Martin.....	two
St. Mary.....	two
St. Tammany.....	one
Tensas.....	two
Terrebonne.....	two
Union.....	one
Vermillion.....	one
Washington.....	one
Winn.....	one

Total.....One hundred and one

And the State shall be divided into the following senatorial districts, to wit:

The First, Second and Third Representative Districts of New Orleans shall form one senatorial district, and elect three Senators.

The Fourth, Fifth and Sixth Representative districts, of New Orleans shall form one district, and elect two Senators.

The Seventh, Eighth and Ninth Representative Districts of New Orleans and the parish of St. Bernard, shall form one district, and elect two Senators.

The Tenth Representative District of New Orleans shall form a district, and elect one Senator.

Orleans right bank and the parish of Plaquemines shall form one district, and elect one Senator.

The parishes of Jefferson, St. Charles and St. John Baptist shall form one district, and elect two Senator.

The parishes of Ascension and St. James shall form one district, and elect one Senator.

The parishes of Assumption, Lafourche

and Terrebonne shall form one district and elect two Senators.

The parishes of Vermillion and St. Mary shall form one district, and elect one Senator.

The parishes of Calcasieu, Lafayette and St. Landry shall form one district, and elect two Senators.

The parishes of Livingston, St. Helena Washington and St. Tammany shall form one district, and elect one Senator.

The parishes of Point Coupee, East Feliciana and West Feliciana shall form one district, and elect two Senators.

The parish of East Baton Rouge shall form one district, and elect one Senator.

The parishes of West Baton Rouge, Iberville and St. Martin shall form one district and elect two Senators.

The parishes of Concordia and Avoyelle shall form one district, and elect one Senator.

The parishes of Tensas and Franklin shall form one district and elect one Senator.

The parishes of Carroll, Madison and Morehouse shall form one district, and elect two Senators.

The parishes of Ouachita and Caldwell shall form one district, and elect one Senator.

The parishes of Jackson and Union shall form one district, and elect one Senator.

The parishes of Bossier, Bienville and Claiborne shall form one district, and elect two Senators.

The parish of Caddo shall form one district, and elect one Senator.

The parishes of DeSoto, Natchitoches and Sabine shall form one district, and elect two Senators.

The parish of Rapides shall form one district, and elect one Senator.

The parishes of Catahoula and Winn shall form one district, and elect one Senator.

Thirty-six Senators in all.

Articles 23, 24 and 25, as follow, were adopted:

ART. 23. The House of Representatives shall choose its Speaker and other officers.

ART. 24. Electors, in all cases except treason, felony or breach of the peace shall be privileged from arrest during their attendance on, going to and returning from elections.

ART. 25. At its first session under this Constitution, the General Assembly shall provide by law that the names and residence of all qualified electors shall be registered, in order to entitle them to vote, but the registry shall be free of cost to the elector.

Mr. Crane asked to record his vote no, upon the adoption of article 25.

Mr. Wickliffe moved to strike out article 6.

**Lost.**

Article 26 was adopted, as follows:

ART. 26. No person shall be entitled to vote at any election held in this State, except in the parish of his residence and at the election precinct in which he is registered; *Provided*, That no voter in removing from one parish to another, shall lose the right to vote in the former until he has acquired it in the latter.

The amendment proposed by the committee to article 27 was adopted, and the article, as amended, was adopted, as follows:

ART. 27. The members of the Senate shall be elected for the term of four years; and when assembled, the Senate shall have power to choose its own officers, except as hereinafter provided.

Article 28, as follows, was adopted:

ART. 28. The General Assembly shall divide the State into senatorial districts whenever it apportions representation in the House of Representatives.

Article 29, amended as proposed by the committee, was adopted as follows:

ART. 29. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly; but shall not be attached to more than one district. The number of Senators shall be thirty-six; and they shall be apportioned among the senatorial districts according to the total population of said districts.

Mr. Cromwell moved that when the Convention adjourns it adjourn to meet on Wednesday next at 10 A. M.

**Adopted.**

Article 30, amended as proposed, by striking out the word "whole," 2d line, as adopted, as follows:

ART. 30. In all apportionments of the Senate, the total population of the State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator.

Single or contiguous parishes shall be formed into districts having a population as nearest possible to the number entitling a district to a Senator; and if the apportionment to make a parish or district fall short of, or exceed the ratio, then a district may be formed, having not more than two Senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made, as directed in the twentieth article, the General Assembly shall not pass any law till an apportionment of representation in both Houses of the General Assembly be made.

Mr. Packard moved to adopt the amendments of the committee to article 31, except the words "or more." The amendments were so adopted, and the article, as amended, and reading as follows, was adopted:

ART. 31. At the first session of the General Assembly after this Constitution goes into effect, the senators shall be divided equally by lot into two classes; the seats of the senators of the first class to be vacated at the expiration of the term of the first House of Representatives; those of the second class, at the expiration of the term of the second House of Representatives; so that one-half shall be chosen every two years successively. When a district shall have elected two Senators, their respective terms of office shall be determined by lot between themselves.

The Convention took a recess until 7 P. M.

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The Convention reassembled at 7 P. M.

The roll was called and the following members answered to their names; and no quorum being present, took a recess for half an hour:

President J. G. Taliaferro; Messrs. Bertonneau, Bonnefoi, Burrel, Cooley, Crane, Crawford, Dearing, Deslonde P. G., Du-plessis, Francois, Ferguson, Guichard, Harper, Harris, Hempstead, Ingraham, Isabelle T., Jones, Kelso, Landers, Lange, Leroy, Lewis R., Meadows, McLeran, Moses, Oliver, Packard, Pinchback, Pindexter, Schwab, Thibaut, Twitchell, Wickliffe, Wilson—36 members present.

At the expiration of the half hour the President called the Convention to order. The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Bertonneau, Blackburn, Bonnefoi, Burrel, Crane, Crawford, Dearing, P. G. Deslonde, Francois, Guichard, Harper, Harris, Hempstead, Ingraham, Thos. Isa-

belle, Kelso, Landers, Lange, Leroy, R. Lewis, Meadows, McLeran, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Schwab, Thibaut, Twitchell, Vidal, Waples, Wickliffe, Williams, Wilson—40 members present.

There being no quorum, the Convention adjourned till Wednesday, at 10 A. M.

Mr. Hempstead asked to record his vote *no*, on the adjournment, with the following reasons:

As I wish to complete the work of this Convention as soon as possible, I vote *no* on the motion to adjourn.

A true copy:

WM. VIGERS, Secretary.

#### SEVENTY-SECOND DAY.

NEW ORLEANS, Wednesday, Feb. 26, 1868.

The Convention met pursuant to adjournment, and was called to order by the President.

The roll was called, and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Bonnefoi, Brown, Burrel, Butler, Cooley, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, Donato, Douglas, U. Dupart, Duplessis, Ferguson, Gardiner, Harris, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Leroy, R. Lewis, Meadows, Moses, Murrel, Myers, Oliver, Packard, Pierce, Poindexter, Pollard, Riard, Riggs, Rodriguez, Schwab, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—49 members present.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Underwood:

*Resolved*, That the office of Assistant Secretary be declared vacant, such vacancy to date from February 1, 1868.

The rules were suspended and the resolution was adopted.

Mr. Blackburn called up his resolution of February 24, as follows:

WHEREAS, The loyal people of Louisiana, in accordance with the enactments of a loyal Federal Congress, have elected delegates to a Constitutional Convention, for the purpose, as directed by the said Congressional enactments, to frame a Constitution and form a civil government loyal to the Union; and

WHEREAS, The said Constitutional Convention is now about through with its work, and will soon submit its Constitution for

ratification or rejection, with its plan of a civil State Government loyal to the Union; therefore, be it

*Resolved by the Constitutional Convention of Louisiana as aforesaid*, That a respectful but solemn protest is hereby entered, in the name of a down-trodden and oppressed people, against the enactment, by military order or otherwise, of any appropriation acts of a Legislature known to have been hostile to a loyal reconstruction of the Government. A Legislature which boldly and defiantly proposes to appropriate thousands upon thousands of dollars to test the constitutionality of the acts of Congress under the authority of which this Convention was convoked and convened; and more especially is a protest hereby most respectfully, but not the less earnestly, entered against the forced collection of any taxes "in greenbacks" from and upon said treasonable so-called State Legislature for the purpose of paying the salaries of civil officers in our midst, known to be hostile to the objects and purposes for which this Convention was called into power by the legal law-making power of a loyal nation.

*Resolved*, That a copy of this, signed officially by the President of the Convention, and duly attested by the Secretary thereof, be forwarded to the President of the Senate of the United States, to the Speaker of the House of Representatives and to Gen. Grant.

And moved to adopt.

Laid on the table.

By Mr. Moses :

*Resolved*, That no member shall be allowed to speak more than five minutes upon any subject without the consent of the whole Convention.

Adopted.

By Mr. S. R. Moses :

*Resolved*, That no members shall be allowed any *per diem* for his services in this Convention who are not here to sign the Constitution, except they are sick in the city.

And moved to adopt.

Laid on the table.

#### UNFINISHED BUSINESS.

The consideration of the Constitution from the printed report of the special committee being in order, articles 32, 33, 3 and 35 were adopted, reading as follows:

ART. 32. The first election for Senator shall be held at the same time with the election for Representatives; and thereafter there shall be elections of Senators at the same time with each general election o

representatives, to fill the places of those senators whose term of office may have expired.

ART. 33. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members.

ART. 34. Each House of the General Assembly shall judge of the qualifications, election and return of its members; but a contested election shall be determined in such manner as may be prescribed by law.

ART. 35. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and with a concurrence of two-thirds, expel a member; but not a second time for the same offense.

Article 36, amended by striking out the word "own," 2d line, was adopted, reading follows:

ART. 36. Each House of the General Assembly shall keep and publish weekly, a journal of its proceedings; and the ayes and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

Articles 37 and 38 were adopted as follows:

ART. 37. Each House may punish by imprisonment, any person not a member, for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

ART. 38. Neither House shall adjourn more than three days, nor to any other place than that in which it may be sitting, during the sessions of the General Assembly without the consent of the other.

In article 39, 3d line, the words "General Assembly" were stricken out, and the words "House of Representatives" were inserted in lieu thereof.

The second amendment proposed by the Committee to strike out all after the word "but," 11th line, and insert the words "the first General Assembly that shall convene after the adoption of this Constitution, may continue in session for one hundred and twenty days," was adopted—ayes 50, nays 22—as follows:

Yeas: Baker, Bertonneau, Blandin, Bonfroi, Brown, Butler, Cooley, Crane, Craw-

ford, Cromwell, Cuney, Dearing, Demarest Depasseau, Deslonde P. G., Donato, Douglas, Duparte G., Dupart U., Duplessis, Esnard, François, Ferguson, Gardiner, Harrison, Ingraham, Isabelle T., Kelso, Landers, Leroy, Lewis, Martin, Morris, Moses, Mushaway, Myers, Pierce, Pinchback, Pindexter, Riard, Riggs, Rodriguez, Smith, Snaer, Steele, Thibaut, Twitchell, Vandegriff, Waples—49 yeas.

Nays: Blackburn, Burrel, Harper, Hempstead, Isabelle R. H., Jones, Lange, Marie, Massicot, Meadows, Murrel, Newsham, Oliver, Packard, Pollard, Reese, Schwab, Valfrout, Vidal, Wickliffe, Williams, Wilson—22 nays.

Article 39, as amended, was adopted, reading as follows:

ART. 39. The members of the General Assembly shall receive from the public Treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective Houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the House of Representatives by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement; and any legislative action had after the expiration of said period of sixty days shall be null and void; but the first General Assembly that shall convene after the adoption of this Constitution, may continue in session for one hundred and twenty days.

Article 40, amended by striking out, 2d line, "and," and inserting "or," was adopted as follows:

ART. 40. The members of the General Assembly, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same; and for any speech or debate in either House shall not be questioned in any other place.

Article 41, amended by striking out, 6th line, "except to such offices as may be filled by an election by the people," was adopted as follows:

ART. 41. No Senator or Representative during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during the time such Senator or Representative was in office.

Article 42, amended by striking out the word "over," 2d line, and the words "in case of urgency," 3d line, was adopted as follows:

ART. 42. No bill shall have the force of a law, until on three several days it be read in each House of the General Assembly, and free discussion allowed thereon; unless four-fifths of the House where the bill is pending, may deem it expedient to dispense with this rule.

Article 43, amended by striking out, 3d line, the word "new," was adopted as follows:

ART. 43. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills; *Provided*, It shall not introduce any matter under the color of an amendment, which does not relate to raising revenue.

Article 44, as follows, was adopted :

ART. 44. The General Assembly shall regulate by whom, and in what manner, writs of election shall be issued to fill the vacancies which may occur in either branch thereof.

Article 45, amended by striking out, 1st line, the words "the Senate shall vote" and inserting, 3d line, after the word "Senate," the words "the vote shall be taken," was adopted, as follows :

ART 45. On the confirmation or rejection of the officers to be appointed by the Governor with the advice and consent of the Senate, the vote shall be taken by yeas and nays; and the names of the Senators voting for and against the appointments respectively, shall be entered on the journals to be kept for the purpose, and made public on or before the end of each session.

Article 46, as follows, was adopted:

ART. 46. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

Article 47, amended by inserting "General Assembly," in place of "Legislature," was adopted, as follows:

ART. 47. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the Hall of the House of Representatives on the second Monday following the meeting of the General Assembly and proceed to said election.

Title 2, of the Constitution as hereinbefore amended, was adopted as a whole.

Article 48 was adopted, as follows:

#### TITLE III—EXECUTIVE DEPARTMENT.

ART. 48. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for representatives shall vote for Governor and Lieutenant Governor at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then to be holden. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes. The person having the greatest number of votes for Governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for Lieutenant Governor shall be Lieutenant Governor; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

Mr. Oliver moved to lay the amendment to article 49, proposed by Messrs. Cooley, Crawford, Crane and Waples, on the table.

Adopted—ayes 62, nays 13—as follows :

Ayes: Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonnefoi, Burrel, Cromwell, Cuney, Dearing, Demarest, P. G. Deslonde, Donato, Douglas, U. Dupart, Duplessis, Esnard, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, T. Isabelle, Jones, Kelso, Landers, Lange, Leroy, J. B. Lewis, Marie, Martin, Massicot, Meadows, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Pollard, Reese, Riard, Riggs, Schwab, Smith, Snaer, Steele, Thibaut, Twitchell, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—62 ayes.

Nays: Brown, Butler, Cooley, Crane, Crawford, Depasseau, G. Duparte, Ferguson, Harrison, Jackson, Mushaway, Poindexter, Rodriguez—13 nays.

Article 49 was adopted, as follows:

ART. 49. No person shall be eligible to the office of Governor or Lieutenant Governor, who is not a citizen of the United

States, and a resident of this State two years next preceding his election.

Articles 50, 51, 52, 53, 54, 55 and 56 were adopted, as follows:

**ART. 50.** The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

**ART. 51.** The Governor shall enter on the discharge of his duties on the second Monday in January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

**ART. 52.** No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of Governor or Lieutenant Governor.

**ART. 53.** In case of impeachment of the Governor, his removal from office, death, refusal or inability to qualify, or to discharge the powers and duties of his office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted, or the disability be removed. The General Assembly may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and the Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, or for the remainder of the term.

**ART. 54.** The Lieutenant Governor or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

**ART. 55.** The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall only vote when the Senate is equally divided. Whenever he shall administer the government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

**ART. 56.** The Governor shall receive a salary of eight thousand dollars per annum, payable quarterly, on his own warrant.

The following substitute to article 57, proposed by Mr. Pinchback, in lieu of article 57, was adopted as follows:

**ART. 57.** The Lieutenant Governor shall receive a salary of three thousand dollars

per annum, payable quarterly upon his own warrant.

Ayes 51, nays 20, as follows:

Ayes: Antoine, Belden, Bertonneau, Blandin, Brown, Burrel, Cromwell, Cuney, Demarest, P. G. Deslonde, Donato, Douglas, U. Dupart, Duplessis, Esnard, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Thomas Isabelle, Jones, Landers, Lange, Leroy, Richard Lewis, Marie, Martin, Massicot, Meadows, Morris, Moses, Myers Newsham, Oliver, Packard, Pierce, Pinchback, Pollard, Smith, Snaer, Steele, Thibaut, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—51 ayes.

Nays: Baker, Blackburn, Bonnefoi, Butler, Cooley, Crane, Crawford, Dearing, G. Duparte, Ferguson, Harrison, Kelso, Mushaway, Reese, Riard, Riggs, Rodriguez, Schwab, Twitchell, Waples—20 nays.

Articles 58, 59, 60, 61, 62, 63, 64 and 65 were adopted, as follows:

**ART. 58.** The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons, remit fines and forfeitures, after conviction. In cases of treason, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested. In cases when the punishment is not imprisonment at hard labor, the party upon being reprieved by the Governor, shall be released if in actual custody, until final action by the Senate.

**ART. 59.** He shall be Commander-in-Chief of the Militia of this State, except when they shall be called into the service of the United States.

**ART. 60.** He shall nominate, and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution, and whose appointments are not herein otherwise provided for; *Provided*, however, that the General Assembly, shall have a right to prescribe the mode of appointment to all other offices established by law.

**ART. 61.** The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session thereof, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate, shall be appointed to the same office, during the recess of the Senate.

**ART. 62.** He may require information in writing, from the officers in the Executive

Department, upon any subject relating to the duties of their respective offices.

ART. 63. He shall, from time to time, give the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 64. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 65. He shall take care that the laws be faithfully executed.

Article 66, amended by substituting, 8th line, the words "likewise be," for "be likewise," was adopted as follows:

ART. 66. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it; if he do not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members present in that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present in that House, it shall be a law. But in such cases the vote of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the General Assembly by adjournment, prevent its return; in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

Articles 67, 68, 69, 70, 71, 72, 73 and 74 were adopted as follows:

ART. 67. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of the members present.

ART. 68. There shall be a Secretary of State, who shall hold his office during the

term for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them; he shall when required, lay the said register, and all papers, minutes and vouchers, relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 69. There shall be a Treasurer of the State, and an Auditor of Public Accounts, who shall hold their respective offices during the term of four years. At the first election under this Constitution, the Treasurer shall be elected for two years.

ART. 70. The Secretary of State, Treasurer, and Auditor of Public Accounts, shall be elected by the qualified electors of the State; and in case of any vacancy caused by the resignation, death, or absence of the Secretary, Treasurer, or Auditor, the Governor shall order an election to fill said vacancies: *Provided*, The unexpired term to be filled be more than twelve months; when otherwise, the Governor shall appoint a person to perform the duties of the office thus vacant until the ensuing general election.

ART. 71. The Treasurer, and the Auditor shall receive a salary of five thousand dollars per annum each. The Secretary of State shall receive a salary of three thousand dollars per annum.

ART. 72. All commissions shall be in the name, and by the authority of the State of Louisiana; and shall be sealed with the State seal, signed by the Governor, and countersigned by the Secretary of State.

#### TITLE IV—JUDICIARY DEPARTMENT.

ART. 73. The judicial power shall be vested in a Supreme Court, in District Courts, in Parish Courts and in Justices of the Peace.

ART. 74. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars; and to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature whatsoever, or any fine, forfeiture, or penalty imposed by a municipal corporation shall be in contestation, whatever may be the amount thereof; and in such cases the appeal shall be direct from the court in which the case originated, to the Supreme Court; and in criminal cases, on questions of law only, whenever the punishment of death, or imprisonment at

hard labor, or a fine exceeding three hundred dollars, is actually imposed.

Mr. Bertonneau moved to lay the amendment of Mr. Crane, to article 75, on the table.

Adopted—ayes 50, nays 20—as follows:

Yea: Antoine, Baker, Belden, Bertonneau, Blandin, Bonnefoi, Cooley, Crawford, Cuney, Dearing, Demarest, P. G. Deslonde, Donato, Douglas, U. Dupart, Duplessis, Ferguson, Gardiner, Harris, Harrison, Hempstead, Ingraham, Thos. Isabelle, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Marie, Massicot, Morris, Myers, Newsham, Oliver, Packard, Pinchback, Pollard, Reese, Riggs, Snaer, Steele Thibaut, Twitchell, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Wilson—50.

Nays: Blackburn, Brown, Burrel, Crane, Depasseau, G. Duparte, Esnard, Francois, Harper, R. H. Isabelle, Martin, Meadows, Moses, Murrel, Mushaway, Pierce, Riard, Rodriguez, Smith, Williams—20

Mr. Bertonneau moved to lay on the table the amendment to article 75, proposed by Messrs. Cooley, Crawford and Crane.

Adopted—ayes 53, nays 12—as follows:

Ayes : Antoine, Baker, Bertonneau, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Cromwell, Dearing, Depasseau, P. G. Deslonde, Donato, U. Dupart, Duplessis, Francois, Ferguson, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Thomas Isabelle, Jones, Landers, Lange, Leroy, Richard Lewis, Lynch, Martin, Massicot, Meadows, Morris, Moses, Murrel, Myers, Oliver, Packard, Pierce, Pinchback, Pollard, Reese, Riard, Riggs, Rodriguez, Snaer, Thibaut, Twitchell, Valfroit, Vidal, Wickliffe, Wilson — 53 ayes.

Nays : Cooley, Crane, Crawford, Demarest, G. Duparte, Esnard, Harrison, Mushaway, Smith, Vandergriff, Waples, Williams—12 nays.

Article 75 and 76 were adopted as follows:

ART. 75. The Supreme Court shall be composed of one Chief Justice, and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of seven thousand five hundred dollars, and each of the Associate Justices a salary of seven thousand dollars annually, payable quarterly, on their own warrants. The Chief Justice and the Associate Justices shall be appointed by the Governor, with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practiced law for five years, the last

three thereof next preceding their appointment, in the State. The Court shall appoint its own clerks; they may remove them at pleasure.

ART. 76. The Supreme Court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of May. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

Article 77, amended by striking out the word "all," 3d line, was adopted, as follows:

ART. 77. The Supreme Court, and each of the Judges thereof, shall have power to issue writs of *habeas corpus*, at the instance of persons in actual custody, in cases when they may have appellate jurisdiction.

Articles 78, 79, 80, 81 and 82 were adopted, as follows:

ART. 78. No judgment shall be rendered by the Supreme Court, without a concurrence of a majority composing the Court. Whenever the majority cannot concur, in consequence of the recusation of any member of the Court, the Judges not recused shall have power to call upon any Judge or Judges of the District Courts, whose duty it shall be, when so called upon, to preside in the place of the Judge or Judges recused, and to aid in determining the case.

ART. 79. All Judges, by virtue of their office, shall be conservators of the peace, throughout the State. The style of all process shall be The State of Louisiana. All prosecutions shall be carried on in the name and by the authority of The State of Louisiana, and conclude Against the peace and dignity of the same.

ART. 80. The Judges of all courts, whenever practicable, shall refer to the law, in virtue of which every definitive judgment is rendered; but in all cases they shall adduce the reasons on which their judgment is founded.

ART. 81. The Judges of all courts shall be liable to impeachment for crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them, on the address of two-thirds of the members elected to each House of the General Assembly. In every such case the cause or causes, for which such removal may be required, shall be stated at length in the address, and inserted in the journal of each House.

ART. 82. No duties or functions shall ever be attached by law, to the Supreme or District Courts, or the several Judges thereof, but such as are judicial; and the said Judges are prohibited from receiving any

fees of office, or other compensation than their salaries, for any official duties performed by them.

Mr. Hempstead moved to lay on the table the amendment to article 83, proposed by Messrs. Crawford, Cooley, Pinchback, Waples, Taliaferro.

Adopted.

Article 83—Amended by striking out, 3d and 4th lines, the words “and for their respective,” and inserting the words “for each;”

And inserting after the word “electors,” 4th line, the word “thereof.”

And striking out all in the 5th and 6th lines to the word “for;”

And striking out, 11th line, all after the word “Orleans,” to the 14th line, and inserting the following:

“With the following original jurisdiction: The first, exclusive criminal jurisdiction; the second, exclusive probate jurisdiction; the third, exclusive jurisdiction of appeals from justice of the peace; the fourth, fifth, sixth and seventh District Courts, exclusive jurisdiction in all civil cases, except probate, when the sum in contest is above one hundred dollars, exclusive of interest. These seven courts shall also have such further jurisdiction, not inconsistent herewith, as shall be conferred by law;”

And striking out, 16th and 17th lines, the word “districts,” and inserting the word “parishes.”

Was adopted, as follows:

ART. 83. The Legislature shall divide the State into Judicial Districts, which shall remain unchanged for four years, and for each District Court, one Judge, learned in the law, shall be elected for each district by a plurality of the qualified electors thereof. For each district there shall be one District Court, except in the parish of Orleans, in which the Legislature may establish as many District Courts as the public interests may require. Until otherwise provided, there shall be seven District Courts for the parish of Orleans.

With the following original jurisdiction: the first, exclusive criminal jurisdiction; the second, exclusive probate jurisdiction; the third, exclusive jurisdiction of appeals from justice of the peace; the fourth, fifth, sixth and seventh District Courts, exclusive jurisdiction in all civil cases, except probate, when the sum in contest is above one hundred dollars, exclusive of interest. These seven courts shall also have such further jurisdiction, not inconsistent herewith, as shall be conferred by law.

The number of districts in the State shall not be less than twelve nor more than twenty.

The clerks of the District Courts shall be elected by the qualified electors of their respective parishes, and shall hold their office for four years.

Mr. Harper moved to amend article 84, by striking out the word “therein,” at the end of the 5th line, and the words “next preceding his election,” in the ninth line.

Laid on the table.

Article 84 was adopted, as follows:

ART. 84. Each of said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than five thousand dollars. He must be a citizen of the United States, over the age of twenty-five years, and have resided in the State and practiced law therein for the space of two years, next preceding his election. The Judges of the district courts shall hold their office for the term of four years.

Article 85, amended by striking out all in the 3d line, from the word “they” to the word “interest,” 6th line, inclusive, and striking out the word “not probate,” 2d line.

Was adopted, as follows:

ART. 85. The District Courts shall have original jurisdiction in all civil cases, when the amount in dispute exceeds five hundred dollars, exclusive of interest. In criminal cases their jurisdiction shall be unlimited. They shall have appellate jurisdiction in civil ordinary suits, when the amount in dispute exceeds one hundred dollars, exclusive of interest.

The following amendments to article 86 were laid on the table:

To strike out, 1st line, the words “elected by the qualified electors of the parish,” and insert the words “appointed by the Governor with the advice and consent of the Senate;”

To strike out, 3d line, the word “two” and insert the word “four;”

W. H. COOLEY,  
T. S. CRAWFORD,  
P. B. S. PINCHBACK,  
R. WAPLES,  
J. G. TALIAFERRO.

The following amendment was laid on the table.

To insert after the word “Judge,” 1st line, the words “who shall have practiced law in this State at least one year previous to his appointment.”

R. WAPLES,  
W. H. COOLEY.

The following amendments were adopted:

Article 86—To strike out, 2d and 3d

lines, the word "they" and insert the word "he;"

And to strike out, in the second line, the word "their" and insert the word "his;"

And to strike out, 6th line, the word "now," and insert in 7th line the word "District" before "Clerk;"

And to strike out, 2d line, the word "offices" and insert the word "office."

Recommended by the  
COMMITTEE.

The following amendment was adopted:

To add, 7th line, the words "and of this State." Recommended by the

COMMITTEE.

Mr. Crawford moved to amend by adding after the word "he," whenever it occurs, the words "or she."

Mr. Oliver moved to lay on the table.

Adopted.

Mr. Waples moved to reconsider the last vote.

Mr. Hempstead moved to lay the motion to reconsider on the table.

Adopted.

Article 86, as amended, was adopted, as follows:

ART. 84. For each parish court, one Judge shall be elected by the qualified electors of the parish. He shall hold his office for the term of two years. He shall receive a salary and fees, to be provided by law. Until otherwise provided, each parish Judge shall receive a salary of one thousand two hundred dollars per annum, and such fees as are established by law for clerks of District Courts. He shall be a citizen of the United States, and of this State.

The following amendments to article 87 were adopted:

Strike out, 9th line, from the word "in" to the word "matters," 13th line inclusive, and insert in lieu thereof the following:

"All successions shall be opened and settled in the Parish Courts; and all suits in which a succession is either plaintiff or defendant, may be brought either in the Parish or District Court, according to the amount involved;"

And add the letter "s" to the word "power," 17th line; and add the letter "s" to the word "magistrate," 17th line;

And strike out word "a" before "magistrate," in 17th line.

Recommended by the  
COMMITTEE.

Article 87, as amended, was adopted as follows:

ART. 87. The Parish Courts shall have concurrent jurisdiction with the justices of the peace, in all cases when the amount in controversy is more than twenty-five dollars, and less than one hundred dollars, exclusive of interest. They shall have exclusive original jurisdiction, in ordinary suits, in all cases when the amount in dispute exceeds one hundred dollars and does not exceed five hundred dollars; subject to an appeal to the District Court, in all cases, when the amount in contestation exceeds one hundred dollars, exclusive of interest. All successions shall be opened and settled in the Parish Courts; and all suits in which a succession is either plaintiff or defendant, may be brought either in the Parish or District Court, according to the amount involved. In criminal matters, the Parish Courts shall have jurisdiction in all cases when the penalty is not necessarily imprisonment at hard labor or death, and when the accused shall waive trial by jury. They shall also have the powers of committing magistrates and such other jurisdiction as may be conferred on them by law. There shall be no trial by jury before the Parish Courts.

Article 88 was adopted, as follows:

ART. 88. In all probate matters when the amount in dispute shall exceed five hundred dollars, exclusive of interest, the appeal shall be directly from the parish to the Supreme Court.

The following amendment to article 89 was adopted:

Article 89—To strike out, 7th line, the word "twenty-five," and insert the word "ten."

Recommended by the  
COMMITTEE.

Mr Newsham moved to amend by striking out, 2d line, all from the word "Parish," to the word "Assembly," 3d line, and inserting the words "in the manner prescribed by law."

Adopted.

Mr. Smith was called to the chair.

Mr. Wickliffe moved to reconsider the vote upon Mr. Newsham's amendment.

Adopted.

Mr. Newsham's amendment was rejected.

Article 89, as amended, was adopted as follows:

ART. 89. The justices of the peace shall be elected by the electors of each parish, in the manner to be provided by the General Assembly. They shall hold office for the term of two years and their compensation shall be fixed by law. Their

jurisdiction in civil cases, shall not exceed one hundred dollars, exclusive of interest, subject to an appeal to the parish court, in all cases when the amount in dispute shall exceed ten dollars, exclusive of interest. They shall have such criminal jurisdiction as shall be provided for by law.

The following amendment to article 90 was adopted.

Article 90—To strike out, 4th line, the words “Judges of the Courts,” and insert the words “a Judge of his Court.”

Recommended by the

COMMITTEE.

Article 90, as amended, was adopted, as follows:

ART. 90. In any case when the judge may be recused, and when he is not personally interested in the matters in contestation he shall select a lawyer, having the qualifications required for a Judge of his Court to try such cases. And when the judge is personally interested in the suit, he shall call upon the parish or district judge, as the case may be, to try the case.

Article 91 was adopted as follows:

ART. 91. The General Assembly shall have power to vest in the parish judges the right to grant such orders, and to do such acts, as may be deemed necessary for the furtherance of the administration of justice; and in all cases the power thus granted shall be specified and determined.

The Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

SEVENTY-THIRD DAY.

NEW ORLEANS, Thursday, Feb. 27, 1868.  
The Convention met pursuant to adjournment and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crawford, Cuney, Dearing, Donato, U. Dupart, Duplessis, Francois, Ferguson, Gardiner, Harper, Harris, R. H. Isabelle, Thomas Isabelle, Jones, Kelso, Landers, Lange, Leroy, Marie, Martin, Massicot, Meadows, Morris, Moses, Murrel, Myers, Oliver, Pierce, Poindexter, Pollard, Reese, Riggs, Roberts, Rodriguez, Schwab, Snaer, Thibaut, Twitchell, Valfroit, Vandegriff, Wickliffe, Williams, Wilson—53 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

ORIGINAL RESOLUTIONS.

Mr. R. H. Isabelle called up his resolution of February, as follows:

WHEREAS, This Convention has adopted a resolution instructing the Warrant Clerk to make warrants in small sums to suit the demands of delegates and employees of this Convention, which has increased the labors of the Warrant Clerk to such an extent as to compel him to ask for assistance; and,

WHEREAS, Lucian Lamaniere did volunteer his services as assistant to facilitate the issue of warrants for several days past; therefore, be it

*Resolved*, That a compensation of one hundred and fifty dollars be paid said L. Lamaniere for volunteer services rendered as Assistant Warrant Clerk.

Which was adopted.

Mr. Harper called up his resolution of February 26:

*Resolved*, That the Official Printer be authorized to print 200 copies of the resolution offered by Mr. Blackburn, and adopted February 19th, 1868, authorizing tax collectors to redeem the warrants of their respective parishes, and that these copies be forwarded by the Secretay of this Convention to the State Auditor for distribution to the tax collectors for their information and guidance.

Which was adopted.

UNFINISHED BUSINESS.

Mr. Cooley moved to amend article 92 by adding the word “quarterly” after the word “payable,” 8th line.

Adopted.

The article, as amended, was adopted, as follows:

ART. 92. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large. He shall receive a salary of five thousand dollars per annum, payable quarterly on his own warrant, and shall hold his office for four years. There shall be a District Attorney for each judicial district of the State, who shall be elected by the qualified electors of the judicial district. He shall receive a salary of fifteen hundred dollars, payable quarterly on his own warrant, and shall hold his office for four years.

The following amendment to article 93 was adopted:

Article 93—To strike out, 6th line, the words “exclusive control,” and insert the word “charge.”

Recommended by the  
COMMITTEE.

The following amendment to article 93, by Mr. Wickliffe, was adopted:

Article 93—Amend by adding after “Orleans,” in 10th line, “except those herein delegated to the Sheriff of the Criminal Court.”

Also, in line 12th, after the word “Orleans,” add the word “residing;” and after the word “below,” add “the middle of;” and after the word “above,” in 14th line, add the words “the middle of.”

Adopted.

Article 93, as amended, and reading as follows, was adopted:

ART. 93. There shall be a Sheriff and Coroner elected by the qualified electors of each parish, except the parish of Orleans. In the parish of Orleans, there shall be elected by the qualified electors of the parish at large, one Sheriff for the Criminal Court, who shall be the executive officer of said court and shall have charge of the parish prison. There shall also be elected by the qualified electors of the parish at large, one Sheriff who shall be the executive officer of the Civil Courts, and who shall perform all other duties heretofore devolving upon the sheriff of the parish of Orleans, except those herein delegated to the sheriff of the Criminal Court. The qualified electors of the city of New Orleans, residing below the middle of Canal street, shall elect one Coroner for that district, and the qualified electors of the city of New Orleans, residing above the middle of Canal street, together with those residing in that part of the parish known as Orleans Right Bank, shall elect one Coroner for that district. All of said officers shall hold their office for two years, and receive such fees of office as may be prescribed by law.

Mr. Cooley moved to adopt the following as an additional article of the Constitution:

#### TITLE IV—JUDICIARY DEPARTMENT.

ART. 94. No judicial powers, except as committing magistrates, in criminal cases, shall be conferred on any officers other than those mentioned in this title; except such as may be necessary in towns and cities; and the judicial powers of such officers shall not extend further than the cognizance of cases arising under the police regulations of towns and cities in the State. In any case where such officers shall assume jurisdiction over other matters than those which may arise under police regulations, or under their jurisdiction, as committing magistrates, they shall be liable to an action of damages in favor of the party injured, or

his heirs; and a verdict in favor of the party injured shall, *ipso facto*, operate a vacation of the office of said officer.

Mr. Isabelle moved to amend by striking out all after the word “heirs.”

Mr. Pinchback moved to lay the amendment on the table.

Adopted.

The article was adopted.

Title IV was adopted as a whole.

Mr. Waples moved to adopt the following as an article of the Constitution:

ART. 95. Every judicial officer elect shall apply to the Supreme Court for a certificate of competency; and if, after examination, the said court shall find the applicant competent, they shall grant the certificate, and he shall be qualified to enter upon the duties of the office; but, if they find him incompetent, they shall refuse the certificate, and his office shall be filled according to this Constitution.

Mr. Moses moved to lay the article on the table.

Adopted—ayes 50, nays 18—as follows:

Yea: Antoine, Belden, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Cromwell, Cuney, Douglas, Dupart U., Dulessis, Gardiner, Guichard, Harper, Harris, Ingraham, Isabelle R. H., Jackson, Jones, Lange, Leroy, Lewis R., Marie, Martin, Massicot, Meadows, McLaran, Morris, Moses, Murrel, Mushaway, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Riggs, Roberts, Rodriguez, Schwab, Snaer, Thibaut, Valfroit, Vidal, Wickliffe, Williams, Wilson—50 yeas.

Nay: Baker, Blackburn, Cooley, Crawford, Demarest, Depasseau, Esnard, Ferguson, Harrison, Isabelle T., Kelso, Myers, Reese, Riard, Smith, Twitchell, Vandergriff, Waples—18 nays.

Article 94 was adopted, as follows:

#### TITLE V—IMPEACHMENT.

ART. 94. The power of impeachment shall be vested in the House of Representatives.

The following amendment to article 95 was adopted:

Article 95—To insert, 6th line, the word “associate” before the word “Judge.” Recommended by the

COMMITTEE.

The following amendment to article 95, by Mr. Wickliffe, was adopted:

Article 95—In line 2, after “Secretary of State” add “Auditor of Public Accounts.”

G. M. WICKLIFFE.

Article 95, as amended, was adopted, as follows:

ART. 95. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, State Treasurer, Superintendent of Public Education, and of the Judges of the Inferior Courts, Justices of the Peace excepted, shall be tried by the Senate; the Chief Justice of the Supreme Court, or the senior associate Judge thereof, shall preside during the trial of such impeachments. Impeachment of the judges of the supreme court shall be tried by the Senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present.

The following amendment to article 96 was adopted:

Article 96—To strike out, 3d line, the word "under" and insert the word "in."

Recommended by the

#### COMMITTEE.

Article 96, as amended, was adopted, as follows:

ART. 96. Judgments in all cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit in the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

The following amendment to article 97 was laid on the table:

Article 97—To strike out, 5th and 6th lines, the words "except those disfranchised by this Constitution."

W. H. COOLEY,  
W. R. CRANE.

Mr. Blackburn moved to amend the article by striking out the word "male," 1st line.

Mr. Pinchback moved to lay the amendment on the table.

Adopted—ayes 49, nays 15—as follows:

Ayes: Antoine, Bonnefoi, Burrel, Butler, Cooley, Crawford, Cromwell, Cuney, U. Dupart, Duplessis, Esnard, Francois, Gardiner, Harrison, Hempstead, T. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Marie, Martin, Massicot, Morris, Moses, Murrel, Mushaway, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riard, Riggs, Roberts, Rodriguez, Snaer, Steele, Twitchell, Valfroit, Vidal, Waples, Williams, Wilson—49 ayes.

Nays: Baker, Blackburn, Brown, Crane, Ferguson, Harper, Harris, Ingraham, Meadows, McLeran, Reese, Smith, Tinchant, Vandergriff, Wickliffe—15 nays.

Mr. Wickliffe moved to amend the article by striking out, 4th line, the word "sixty" and inserting the word "ten."

Adopted—ayes 43, nays 18—as follows:

Ayes: Bertonneau, Burrel, Butler, P. G. Deslonde, Esnard, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, T. Isabelle, Jones, Landers, Lange, Leroy, Marie, Massicot, Meadows, Morris, Moses, Murrel, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Riggs, Rodriguez, Schwab, Smith, Snaer, Thibaut, Twitchell, Valfroit, Vidal, Wickliffe, Williams, Wilson—43 ayes.

Nays: Brown, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Donato, U. Dupart, Duplessis, Ferguson, Harrison, Jackson, Kelso, Mushaway, Roberts, Steele, Waples—18 nays.

Mr. Smith moved to reconsider the last vote.

Mr. Hempstead moved to lay the motion to reconsider on the table.

Adopted.

The following amendment was laid on the table:

To strike out, 2d and 3d lines, the words "subject to the jurisdiction thereof."

W. H. COOLEY.

Article 97, as amended, was adopted, as follows:

#### TITLE VI—GENERAL PROVISIONS.

ART. 97. Every male person, of the age of twenty-one years or upward, born or naturalized in the United States, and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last ten days within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this Constitution, and persons under interdiction.

Mr. Packard moved to strike out article 98, and insert in its place as an article of the Constitution, the following:

The following persons are hereby prohibited from voting and holding any office or profit of trust either by election or appointment in this State, to-wit:

All persons convicted of treason, or any crime punishable with death or imprisonment at hard labor in the penitentiary for over six months. All persons under interdiction. And all persons, who having

previously taken an oath as a member of Congress, or as an officer of the United States or of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

The words "executive or judicial officers" shall be construed to include all civil offices created by law for the administration of any general law of the State, or for the administration of justice; *Provided*, That the Legislature may, by a two-thirds vote of each House, remove such disabilities.

Mr. Pinchback was called to the chair.

Mr. Blandin moved to lay the substitute of Mr. Packard on the table.

Adopted—ayes 37, nays 33—as follows:

Ayes: Antoine, Baker, Belden, Berthonneau, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Demarest Depasseau, Deslonde P. G., Donato, Douglas, Duparte G., Duplessis, Esnard, Fuller, Ferguson, Kelso, Leroy, Martin, McLaran, Moshaway, Pinchback, Reese, Riard, Rodriguez, Smith, Steele, Thibaut, Tinchant, Twitchell, Valfroit—37 ayes.

Nays: Burrel, Cromwell, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Landers, Lange, Lewis R., Massicot, Meadows, Morris, Moses, Murrel, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Schwab, Snaer, Vidal, Waples, Wickliffe, Williams, Wilson—33 nays.

Mr. Waples moved to postpone the further consideration of article 98 until tomorrow.

Mr. Tinchant moved to lay the motion to postpone on the table.

Adopted.

Mr. Tinchant moved to adopt the following amendment:

Article 98—To strike out, 5th line, all after the word "interdiction," to the end of the article.

W. R. CRANE,  
W. H. COOLEY,  
J. G. TALIAFERRO.

Laid on the table.

Mr. Wickliffe moved to lay the following amendment on the table:

To insert, 24th line, after the word "rebellion," the words, "also all who served in the Confederate army, above the rank of colonel."

R. WAPLES.

The motion to lay on the table prevailed.

Mr. Wickliffe moved to expunge article 98.

The Chair decided the motion to expunge not in order.

Mr. Waples raised the point of order that a motion to expunge an article already adopted could not be entertained.

The Chair so ruled.

Mr. Cooley appealed.

The Chair reversed its decision upon advisement, and sustained the point of order.

Mr. Wickliffe appealed.

The Convention adjourned until to-morrow at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SEVENTY-FOURTH DAY.

NEW ORLEANS, Friday, Feb. 28, 1868.

The Convention met pursuant to adjournment, and was called to order by the President.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Blandin, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, Deslonde P. G., Donato, Douglas, Duparte G., Dupart U., Duplessis, Fuller, Ferguson, Gardiner, Harper, Harris, Harrison, Ingraham, Isabelle R. H., Isabelle Thos., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis R., Martin, Massicot, Meadows, McLaran, Morris, Moses, Murrel, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Schwab, Snaer, Steele, Thibaut, Twitchell, Underwood, Vandergriff, Vidal, Wickliffe, Williams, Wilson—62 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. R. H. Isabelle:

*Resolved*, That the Warrant Clerk of this Convention be, and is hereby, authorized to issue warrants in sums of \$200 each, to Messrs. G. Krumble, A. S. Pickard, O. M. Tennison and A. T. Turner, who have shown a disposition to make a fair and impartial report of the proceedings of this Convention.

Lies over.

By Mr. P. G. Deslonde:

Motion, that this Convention extend their thanks to General Grant and the United States Congress for their brilliant actions in the great work of reconstruction of the Southern States.

Lies over.

UNFINISHED BUSINESS.

The appeal of Mr. Wickliffe from the decision of the Chair being under consideration, the Chair was sustained.

Mr. Valfroit moved to take from the table Mr. Packard's substitute for article.

Mr. Pinchback moved to lay the motion to take from the table on the table.

Adopted—ayes 39, nays 35—as follows:

Ayes: Antoine, Baker, Belden, Berthonneau, Blandin, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Caney, Dearing, Demarest, Depasseau, P. G. Deslonde, Donato, Douglas, G. Duparte, Duplessis, Ferguson, Harrison, T. Isabelle, Kelso, J. B. Lewis, Martin, McLeran, Mushaway, Myers, Pinchback, Reese, Riard, Riggs, Snaer, Steele, Thibaut, Twitchell, Vandergriff, Vidal—39 ayes.

Nays: Burrel, Cromwell, U. Dupart, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Landers, Lange, Leroy, R. Lewis, Meadows, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Roberts, Underwood, Valfroit, Waples, Wickliffe, Williams, Wilson—35 nays.

Mr. Waples offered, as a substitute for article 98, the following:

The following persons shall be prohibited from voting or from holding any office: all persons who shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the Penitentiary, and persons under interdiction. All persons who have forfeited the right of suffrage by abjuring their allegiance to the United States Government, or notoriously levying war against it and adhering to its enemies, giving them aid and comfort, are hereby restored to the right of suffrage, except the following: Those who held office, civil or military, for one year or more, under the organization styled "The Confederate States of America;" those who registered themselves as enemies to the United States; those who acted as leaders or officers of guerrilla bands during the late war or rebellion; those also who in the advocacy of treason, wrote or published newspaper articles, or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State. Any person included in these exceptions shall neither vote nor hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late

rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it; and he shall file the certificate in the office of the Secretary of State, and it shall be published in the official journal.

Mr. Cooley moved to amend by adding:

And all those who burnt cotton or caused it to be burnt, whether acting on their own responsibility or by order of others.

Mr. Oliver moved to lay the amendment on the table.

Adopted—ayes 45, nays 28—as follows:

Yea: Antoine, Belden, Berthonneau, Blackburn, Blandin, Burrel, Butler, Cromwell, Douglas, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Gardiner, Harper, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Lange, Martin, Meadows, McLeran, Morris, Moses, Murel, Newsham, Oliver, Packard, Pollard, Reagan, Reese, Roberts, Snaer, Tinchant, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—45 yeas.

Nays: Bonnefoi, Brown, Cooley, Crane, Crawford, Cuney, Dearing, Demarest, P. G. Deslonde, Donato, Fuller, Ferguson, Harris, Harrison, Thos. Isabelle, Kelso, Landers, J. B. Lewis, R. Lewis, Mushaway, Pierce, Pinchback, Poindexter, Riard, Riggs, Steele, Thibaut, Vandergriff—28 nays.

Mr. Wickliffe moved to amend by adding:

All persons who held an office as Justice of the Peace under the so-called Confederate Government for any length of time.

Mr. Underwood moved to lay all the amendments on the table.

Mr. Waples raised the point of order that a motion to lay the whole subject on the table could properly only be held to refer to the subject immediately under consideration, which was the last amendment offered.

The Chair decided that the point of order was not well taken.

Mr. Underwood appealed.

The Chair was not sustained.

The motion to lay on the table prevailed.

The question recurring upon Mr. Waples' amendment, Mr. Packard moved to amend by adding:

*Provided*, That those who have aided in reconstruction, shall not be held to be included among those excepted.

Which was adopted—ayes 56, nays 16—as follows:

Yea: Baker, Bertonneau, Blackburn, Blandin, Bonnefoi, Brown, Burrel, Cromwell, P. G. Deslonde, Douglas, U. Dupart, Duplessis, Esnard, Francois, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Landers, Lange, Leroy, Richard Lewis, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Schwab, Steele, Thibaut, Twitchell, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—56.

Nays: Antoine, Belden, Cooley, Crane, Crawford, Cuney, Dearing, Demarest, Depasseau, Donato, Harrison, Kelso, Martin, Mushaway, Smith, Tinchant—16.

The question recurring upon the substitute of Mr. Waples, as amended, as follows:

ART. 98. The following persons shall be prohibited from voting or from holding any office: all persons who shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the penitentiary, and persons under interdiction.

All persons who have forfeited the right of suffrage by abjuring their allegiance to the United States Government, or notoriously levying war against it and adhering to its enemies giving them aid and comfort, are hereby restored to the right of suffrage, except the following: those who held office, civil or military, for one year or more, under the organization styled "the Confederate States of America;" those who registered themselves as enemies of the United States; those who acted as leaders of guerilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State. Any person included in these exceptions shall neither vote nor hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it; and he shall file the certificate in the office of the Secretary of State, and it shall be published in the official journal; *Provided*, That those who have aided in reconstruction, shall not be held to be included among those excepted.

It was adopted—ayes 44, nays 30—as follows:

Ayes: Baker, Blackburn, Brown, Burrel, Cromwell, Deslonde P. G., Esnard, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Jackson, Jones, Landers, Lange, Leroy, Lewis R., Massicot, Meadows, McLeran, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poin-dexter, Pollard, Reagan, Reese, Riggs, Schwab, Steele, Twitchell, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—44 ayes.

Nays: Antoine, Belden, Bertonneau, Bonnefoi, Blandin, Cooley, Crane, Crawford, Cuney, Dearing, Demarest, Depasseau, Donato, Douglas, Duplessis, Fuller, Guichard, Harrison, Isabelle Thos., Kelso, Martin, Mushaway, Myers, Pinchback, Riard, Smith, Thibaut, Tinchant, Vandergriff—30 nays.

Mr. Cooley was called to the chair.

Mr. Tinchant recorded the following reasons for his vote on Mr. Waples' substitute:

I vote against the adoption of the article for the following reasons:

1. Because I think that all men who voluntarily aided or assisted the rebellion against the United States in any way, shape or manner, are equally guilty and ought to be treated all alike.

2. Because having been taught to look upon the men of my race as fully equal to the white men, and able to fight their way through without the help of any partial proscriptive measure directed against their opponents.

3. Because I think that this article embodies such principles as are in direct conflict with those which are the most sacred to the heart of any honest and wise Republican.

Mr. Brown gave notice that he will, on to-morrow, move the reconsideration of the vote by which article 98 was adopted.

Mr. Valfroit recorded the following reasons for his vote:

I have voted *yes*, not with intention of disfranchising anybody, but to support the 14th amendment of Congress, in expecting to see the disability soon removed by Congress.

P. F. VALFROIT.

Mr. Pinchback recorded the following reasons for his vote:

I vote against the article because I firmly believe that two-thirds of the colored men of this State do not desire disfranchisement to such a great extent.

P. B. S. PINCHBACK.

Mr. Hempstead moved to reconsider the vote last taken.

Laid on the table.

Mr. Wilson moved to amend article 99 by adding:

That since the adoption of this Constitution I have not fought a duel with deadly weapons, nor have I sent or accepted a challenge to fight a duel with deadly weapons, or acted as a second in carrying a challenge, or aided or advised any person thus offending or assisting.

Laid on the table.

Mr. Wickliffe moved to amend article 99, by inserting in the 7th line, after the word "men," "that I am not disfranchised by the 14th amendment to the Constitution of the United States, and by this Constitution."

Laid on the table.

The following amendment was rejected:

ART. 99. To strike out the entire article, and insert article ninety-seven, majority report, as follows:

ART. —. Members of the General Assembly, and all other officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (A. B.) do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States, and the Constitution and Laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my ability and understanding. So help me God."

Recommended by the

COMMITTEE.

Article 99 was adopted, as follows:

ART. 99. Members of the General Assembly, and all other officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (A. B.) do solemnly swear (or affirm) that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race, color or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men. That I will support the Constitution and Laws of the United States and the Constitution and Laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my ability and understanding. So help me God."

Ayes 48, nays 16—as follows:

Ayes: Antoine, Beronneau, Blandin, Burrel, Cromwell, Cuney, P. G. Deslonde, Donato, U. Dupart, Francois, Guichard, Harper, Harris, Hempstead, R. H. Isa-

belle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, Richard Lewis, Martin, Meadows, McLeran, Morris, Moses, Myers, Mushaway, Murrel, Oliver, Packard, Pierce, Pinchback, Pindexter, Pollard, Reagan, Reese, Riard, Thibaut, Tinchant, Twitchell, Valfroit, Vidal, Wickliffe, Williams, Wilson — 48 ayes.

Nays: Baker, Blackburn, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Esnard, Ferguson, Massicot, Smith, Steele, Vandergriff, Waples — 16 nays.

Mr. Cromwell moved that the Sergeant-at-Arms be ordered to compel the attendance of absent members, and was seconded by the delegates, and the Sergeant-at-Arms was so ordered. Pending the execution of the order the proceedings of the Convention were suspended.

Mr. Waples raised the point of order that the order to compel the attendance of absent members did not necessarily suspend the proceedings of the Convention.

The Chair decided adversely.

Mr. Waples appealed.

The Chair was not sustained.

Mr. Blackburn recorded the reasons for his vote.

Articles 100, 101, 102, 103, 104, 105, 106, and 107 were adopted as follows—the following amendment of the committee to article 103, being laid on the table:

Article 103—To strike out all after the word "law," 4th line.

Recommended by the

COMMITTEE.

Messrs. Baker and J. W. Blackburn recorded the following reasons for their votes:

99th article:

I vote *no*, because the article as proposed contains several lines which I consider unnecessary, the same substance being contained in an oath to support the Constitution of the United States and of this State.

L. W. BAKER.

99th article:

I vote *no* on the form of this oath for the reason that I consider it as irritating in verbiage while nothing is gained in principle.

W. JASPER BLACKBURN,

ART. 100. Treason against the State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort. No person shall

be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

ART. 101. All penalties shall be proportioned to the nature of the offense.

ART. 102. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

ART. 103. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law. A statement and account of receipts and expenditures of all public moneys shall be made annually, in such manner as shall be prescribed by law; and the first Legislature convening under this Constitution shall make a special appropriation to liquidate whatever portion of the debt of this Convention may at that time remain unpaid or unprovided for.

ART. 104. All civil officers of the State at large shall be voters of, and reside within the State; and all district or parish officers shall reside within their respective districts or parishes, and shall keep their offices at such place therein as may be required by law.

ART. 105. All civil officers shall be removable by an address of two-thirds of the members elect to each House of the General Assembly, except those whose removal is otherwise provided for by this Constitution.

ART. 106. In all elections by the people the vote shall be taken by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 107. None but citizens of the United States and of this State shall be appointed to any office of trust or profit in this State.

The following amendments to article 108, were adopted:

Article 108—To strike out, 2d line, the word "written."

Recommended by the

COMMITTEE.

To strike out, 3d line, the words "and conducted," and insert after the word "promulgated," the word "and."

Recommended by the

COMMITTEE.

Article 108—To add to the article, the words "and no law shall require judicial process to be issued in any other than the English language."

Recommended by the

COMMITTEE.

Article 108, as amended, was adopted as follows:

ART. 108. The laws, public records, and the judicial and legislative proceedings of the State shall be promulgated, and preserved in the English language, and no law shall require judicial process to be issued in any other than the English language.

Article 109 was stricken out.

The following amendment to article 110 was adopted:

Article 110—To strike out, 4th line, the word "previously."

Recommended by the

COMMITTEE.

The article, as amended, was adopted as follows:

ART. 110. No *ex post facto* or retroactive law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility and for adequate compensation made.

The following amendment to article 111 was adopted:

Article 111—To strike out, 7th line, after the word "irrepealable," the word "unless," and insert the word "until."

To strike out the letter "s" in "contains," 8th line.

Recommended by the

COMMITTEE.

Article 111, as amended, was adopted, as follows:

ART. 111. Whenever the General Assembly shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, it shall in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due, and the said law shall be irrepealable until principal and interest be fully paid, or unless the repealing law contain some adequate provision for the payment of the principal and interest of the debt.

Articles 112 and 113 were adopted, as follows:

ART. 112. The General Assembly shall provide by law for all change of venue in civil and criminal cases.

ART. 113. The General Assembly may enact general laws regulating the adoption of children, emancipation of minors and the granting of divorces; but no special law shall be passed relating to particular or individual cases.

The following amendments to article 114 were adopted.

Article 114—To strike out the words “passed by the General Assembly.”

And to strike out, 2d line, the words “shall embrace but one object and that shall be expressed by the title,” and insert the words “shall express its object or objects in its title,” so that the article shall read “Every law shall express its object or objects in its title.”

Recommended by the

COMMITTEE.

Article 114, as amended, was adopted, as follows:

Article 114—Every law shall express its object or objects in its title.

Articles 115, 116, and 117 were adopted as follows:

ART. 115. No law shall be revived or amended by reference to its title; but in such case the revived or amended section shall be re-enacted and published at length.

ART. 116. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the law it may enact.

ART. 117. No person shall hold or exercise, at the same time, more than one office of trust or profit, except that of justice of the peace or notary public.

The following amendments to article 118 were rejected:

Article 118—To strike out all from the word “and,” 9th line, to the word “sales,” 11th line, inclusive.

Recommended by the

COMMITTEE.

To strike out, 13th line, all after the word “purposes,” and insert the following: “But no property shall be taxed more than two per cent. per annum, upon its assessed value, and no poll tax shall exceed one dollar and fifty cents per annum.”

Recommended by the

COMMITTEE.

Mr. Cromwell moved to amend, by striking out all after the word “sales,” 11th line.

Laid on the table.

Mr. Meadows moved to amend by striking out, in the 14th line, the words “and fifty cents.”

Laid on the table.

Article 118 was adopted, as follows:

ART. 118. Taxation shall be equal and uniform throughout the State; all proper-

ty shall be taxed in proportion to its value, to be ascertained as directed by law; the General Assembly shall have power to exempt from taxation property actually used for church, school or charitable purposes. The General Assembly may levy an income tax upon all persons pursuing any occupation, trade or calling. And all such persons shall obtain a license, as provided by law. All tax on income shall be *pro rata* on the amount of income, or business done. And all deeds of sale made or that may be made by collectors of taxes, shall be received by courts in evidence as *prima facie* valid sales. The General Assembly shall levy a poll tax on all male inhabitants of this State, over twenty-one years old, for school and charitable purposes, which tax shall never exceed one dollar and fifty cents per annum.

Article 119 was stricken out, as recommended by the Committee on Revision.

Articles 120, 121, 122 and 123 were adopted, as follows:

ART. 120. No liability, either State, parochial or municipal, shall exist for any debts contracted for, or in the interest of the rebellion against the United States Government.

ART. 121. The General Assembly may determine the mode of filling vacancies in all offices for which provision is not made in this Constitution.

ART. 122. The General Assembly shall pass no law requiring a property qualification for office.

ART. 123. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office; except in cases of impeachment or suspension.

The following amendments to article 124, recommended by the Committee, were rejected:

Article 124—To strike out the entire article, and insert the following: “No tacit mortgages, except those now in existence, shall ever be enforced or recognized in this State.”

R. WAPLES,  
P. B. S. PINCHBACK,  
W. H. COOLEY,  
J. G. TALIAFERRO.

Article 124—if the above substitute is not adopted, we recommend to strike out, 3d line, the words “and for the registration of the same,” and to strike out, 3d line, the words, “or privilege,” and to strike out, 6th line, the words “and privileges,” and to add, 8th line, the word “five,” and to

strike out, 10th line, the words "and privileges."

R. WAPLES,  
W. H. COOLEY,  
J. G. TALIAFERRO,  
P. B. S. PINCHBACK.

The following amendment was adopted:  
To add, 2d line, the words "dotal and," before "paraphernal."

Recommended by the  
COMMITTEE.

Article 124, as amended, was adopted, as follows:

ART. 124. The General Assembly shall provide for the protection of the rights of married women to their dotal and paraphernal property for the registration of the same; but no mortgage or privilege shall hereafter affect third parties unless recorded in the parish where the property to be affected is situated. The tacit mortgages and privileges now existing in this State shall cease to have effect against third persons after the first day of January, eighteen hundred and seventy, unless duly recorded. The General Assembly shall provide by law for the registration of all mortgages and privileges.

The following amendment to article 125 was adopted:

ART. 125. To add to the article, the words "residing in the State."

Recommended by the  
COMMITTEE.

Article 125, as amended, was adopted as follows:

ART. 125. The General Assembly, at its first session under this Constitution, shall provide an annual pension for the veterans of 1814 and 1815, residing in the State.

Article 126 was stricken out, as recommended by Mr. Crane, of the committee.

Article 127 was adopted as follows:

ART. 127. The military shall be in subordination to the civil power.

The following amendment to, and proposition to strike out article 128, were rejected:

Article 128—To substitute for the entire article the following:

"It shall be the duty of the General Assembly to provide for the support of all paupers residing within the State."

R. WAPLES,

Article 128—To strike out the entire article.

W. H. COOLEY,  
J. G. TALIAFERRO,  
W. R. CRANE,  
P. B. S. PINCHBACK.

Mr. Schwab moved to amend by adding at the end of the article:

And all unsettled judgments rendered shall be opened by the courts for inquiry, without reference to the time rendered, whether the consideration thereof were Confederate money, such judgment shall be null and void.

Laid on the table.

Articles 128 and 129 were adopted, as follows:

ART. 128. It shall be the duty of the General Assembly to make it obligatory upon each parish to support all paupers residing within its limits.

ART. 129. All agreements, the consideration of which was Confederate money, notes or bonds, are null and void; and shall not be enforced by the courts of this State.

The following amendment to article 130 was adopted:

Article 130—To strike out, 1st line, the words "still unexecuted."

R. WAPLES,  
P. B. S. PINCHBAR,  
J. G. TALIAFERRO.

Article 130, as amended, was adopted, as follows:

ART. 130. Contracts for the sale of persons are null and void; and shall not be enforced by the courts of this State.

Mr. Belden moved to adopt the following as an additional article of the Constitution:

The Legislature shall pass a general homestead exemption law; *Provided*, The property exempted from seizure and sale shall not exceed in value the sum of two thousand dollars.

Mr. Crane moved to amend by striking out "\$2000," and inserting "\$120,000."

The amendment was rejected.

The motion of Mr. Belden was laid on the table.

Article 131 was adopted as follows:

ART. 131. The State of Louisiana shall never assume, nor pay any debt or obligation contracted, or incurred in aid of the rebellion; nor shall this State ever in any manner claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever.

Mr. Meadows moved to adopt the following as an additional article of the Constitution:

ART. —. All contracts made and entered into under the pretended authority of any

governments heretofore existing in this State, by which children were bound out without the knowledge or consent of their parents, are hereby declared null and void; nor shall any child be bound out to any one for any term of years, while either one of its parents live, without the consent of such parent, except in cases of children legally sent to the House of Correction.

Mr. Burrel moved to lay the article on the table.

Lost—ayes 9, nays 48—as follows:

Yeas: Antoine, Cooley, Cuney, Jones, McLaran, Reese, Riard, Thibaut, Waples—9 yeas.

Nays: Baker, Belden, Beronneau, Blackburn, Blandin, Brown, Burrel, Butler, Crane, Crawford, Cromwell, Depasseau, Duparte G., Dupart U., Esnard, Francois, Gardiner, Guichard, Harper, Harris, Isabelle R. H., Isabelle Thos., Jackson, Kelso, Landers, Lange, Lewis R., Martin, Massicot, Meadows, Morris, Moses, Mushaway, Oliver, Packard, Pierce, Pinchback, Pollard, Riggs, Schwab, Snaer, Twitchell, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—48 nays.

The article, as follows, was adopted:

**ART. 132.** All contracts made and entered into under the pretended authority of any governments heretofore existing in this State, by which children were bound out without the knowledge or consent of their parents, are hereby declared null and void; nor shall any child be bound out to any one for any term of years, while either one of its parents live, without the consent of such parent, except in cases of children legally sent to the House of Correction.

The Convention adjourned until to-morrow at 10 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

#### SEVENTY-FIFTH DAY.

NEW ORLEANS, Saturday, Feb. 29, 1868.

The Convention met pursuant to adjournment, and was called to order by the President at 10 o'clock A. M.

The following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Beronneau, Blackburn, Blandin, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Francois, Harris, Harrison, Ingraham, R. H. Isabelle, Thos. Isabelle, Jones, Kelso,

Landers, Lange, Leroy, R. Lewis, Martin, Massicot, Meadows, McLaran, Moses, Oliver, Packard, Pierce, Poindexter, Pollard, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Smith, Snaer, Thibaut, Twitchell, Underwood, Valfroit, Vondergriff, Vidal, Waples, Wickliffe, Williams, Wilson—61 members present.

The minutes were read and adopted, with a correction in the wording of the question of order raised by Mr. Waples.

#### ORIGINAL RESOLUTIONS.

By Mr. Underwood:

*Resolved*, That Mr. Thomas B. Waters, formerly Assistant Secretary, return to the Warrant Clerk of the Convention the warrants issued to him for *per diem*, from the first day of February to the 18th of February, 1868.

Lies over.

By Mr. Wickliffe:

*Resolved*, That the Committee on Printing be authorized and instructed to have published in pamphlet form ten thousand copies of the Constitution, after being adopted as a whole, and that they be authorized to have said work done where it can be executed in the most workmanlike manner, in the shortest time, and at the lowest price.

Lies over.

*Resolved*, That the Constitution, after its adoption as a whole, be published in three regular issues up to the time of the general election for the ratification of the same, in the New Orleans Republican, New Orleans Advocate and Homer Hiad.

Lies over.

By Mr. R. H. Isabelle.

WHEREAS, The present existing laws in this State provide for heavy bonds or securities to be furnished by office-holders of several State, parish or municipal offices, both elective and appointive; and

WHEREAS, It is evidently true that the larger portion of real estate in this State is owned by persons who are opposed to the reconstruction of Louisiana on loyal basis; and

WHEREAS, It may be difficult for the first loyal officers elected or appointed under this Constitution, to furnish such heavy bonds or securities; therefore, we do adopt the following

#### ORDINANCE.

To suspend 50 per cent. of the amount of lands or securities prescribed under the present existing laws of this State.

SECTION 1. *Be it ordained by the Constitutional Convention of the State of Louisiana*

assembled, That fifty per cent. of the amount of bonds or securities as required for the State, parish, and municipal officers, in this State, be and is hereby suspended during the first term for which officers are elected or appointed under this Constitution.

SEC. 2. *Be it further ordained,* That so much of any law that may exist as to require bonds or securities of any of the above mentioned officers to be furnished by persons owning property within that any of said officers may be elected or appointed. Is also suspended during the term as mentioned in the foregoing section; so as to allow bonds or securities to be furnished by persons owning property within any part of this State; *Provided*, That the first General Assembly elected under this Constitution, may annul or alter this ordinance at any time.

Lies over.

By Mr. Blackburn:

*Resolved*, That the patriotic and loyal majority in the Congress of the United States, as headed by Gen. Grant and Secretary Stanton, deserve and will receive the approbation and co-operation of all who wish to see the wheels of government relieved from charges of treason.

Lies over.

By Mr. Blackburn:

*Resolved*, That the Secretary of this Convention be allowed extra compensation to the amount of \$500, as a compliment for the faithful, prompt, and efficient manner in which he has discharged his official duty; and that the Warrant Clerk be and is hereby authorized to issue warrants accordingly.

Mr Cooley moved to suspend the rules to place the resolution upon its passage.

The rules were suspended, and the resolution was adopted.

Mr. O. H. Hempstead moved that an extra compensation of \$200 be allowed the Minute Clerk, the Warrant Clerk and the clerks of the Committees on Printing, Enrollment and Contingent Expenses, for the faithful manner in which they have performed their duties during the session of this Convention.

Lies over.

Mr. Belden called to the chair.

#### UNFINISHED BUSINESS.

Mr. Brown moved to take from the table the motion to reconsider the vote upon the adoption of article 98.

Mr. Underwood moved to indefinitely postpone the motion to take from the table.

Lost—ayes 31, nays 33—as follows:

Yea: Blackburn, Burrel, Butler, Cromwell, Dupart U., Francois, Gardiner, Harris, Hempstead, Jackson, Jones, Lange, Leroy, Massicot, Meadows, Morris, Moses, Newsham, Oliver, Packard, Pierce, Pindexter, Pollard, Reagan, Riggs, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—31 yeas.

Nay: Antoine, Belden, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Cooley, Crane, Crawford, Cuney, Dearing, Depasseau, Donato, Douglas, Duparte G., Duplessis, Esnard, Harrison, Isabelle T., Kelso, Martin, Mushaway, Myers, Pinchback, Riard, Roberts, Smith, Snaer, Steele, Thibaut, Tinchant, Vandegriff—33 nays.

The motion to take from the table was lost—ayes 34, nays 36—as follows:

Ayes: Antoine, Belden, Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Cuney, Depasseau, Donato, Douglas, G. Duparte, Duplessis, Esnard, Ferguson, Harrison, T. Isabelle, Kelso, Martin, Mushaway, Myers, Pinchback, Riard, Roberts, Smith, Snaer, Steele, Thibaut, Tinchant, Vandegriff—34 ayes.

Nay: Blackburn, Burrel, Cromwell, U. Dupart, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Lange, Leroy, Massicot, Meadows, Morris, Moses, Newsham, Oliver, Packard, Pierce, Pindexter, Pollard, Reagan, Reese, Riggs, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—36 nays.

Mr Jones called to the chair.

#### UNFINISHED BUSINESS.

Mr. Belden recorded the following reasons for his vote:

I am opposed to the substitute to article ninety-eight, offered by the delegate from Orleans, Mr. Waples, for the following reasons:

I think it is wrong to make no discrimination between the man who for years labored for a dissolution of the Union, and the man who always favored a Union of the States, and only ceased to advocate the same when driven to a different course, by irresistible and overpowering force. This article has the effect of disfranchising men who opposed to the last extremity, secession and war; while it leaves as voters and office-holders the very men who plunged the State into war, and brought desolation and ruin on the fairest portion of the United States.

Therefore, I am in favor of disfranchising the political adventurers, and office-holders, who led the State into secession and war, and none others. The time to judge of the guilt of men, is just before the war commenced, and not after the country was in an actual state of war. The politician, statesman and office-holder, who quietly closeted himself at a time when the people were quiet, happy and prosperous, and coolly meditate war, and consequent desolation, is a monster who should never be allowed again to participate in the councils of his country.

But while it is right to forever disfranchise the men who led the country into war, it is wrong to disfranchise men who were driven into rebel armies by the most reckless and relentless despotism that appears in the annals of history.

I am therefore opposed to the article, because in its effects it disfranchises men who were not the authors of the late war, while it does not touch the politicians and office-holders, who are the authors of all our trouble. They are again turned loose upon the political world, because they were too depraved to fight in a war of their own creation, and the men are alone disfranchised who opposed secession, and were driven into the rebellious armies by those political tyrants who are now free.

Article 132 being under consideration, Mr. Waples moved that the Convention proceed to select the location of the Capitol of the State by ballot.

Laid on the table.

Mr. Crane moved to adopt the following recommendation of members of the Committee on Revision:

Article 132—To strike out the words “Baton Rouge,” and insert the words “New Orleans.”

R. WAPLES,  
J. G. TALIAFERRO,  
W. R. CRANE.

Mr. Underwood moved to lay the motion of Mr. Crane on the table.

Lost—ayes 41, nays 27—as follows:

Yea: Bertonneau, Blandin, Bonseigneur, Burrel, Butler, Crane, Cromwell, Depasseau, Donato, Douglas, G. Duparte, Duplessis, Esnard, Ferguson, Harris, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Landers, Lange, Leroy, Martin, Massicot, Morris, Mushaway, Packard, Pollard, Riard, Riggs, Roberts, Rodriguez, Smith, Snaer, Steele, Valfroit, Vandergriff, Waples, Wickliffe Wilson—41.

Nays: Antoine, Baker, Belden, Bonne-

foi, Brown, Cooley, Crawford, Cuney, Dearing, P. G. Deslonde, U. Dupart, Francois, Harper, Harrison, Kelso, R. Lewis, Moses, Myers, Oliver, Pierce, Pinchback, Poindexter, Reagan, Reese, Thibaut, Underwood, Vidal, Williams—27.

The motion of Mr. Crane prevailed.

Article 132, as amended, was adopted, as follows:

ART. 132. The seat of government shall be established at the city of New Orleans, and shall not be removed without the consent of two-thirds of the members of both Houses of the General Assembly.

Mr. Lange moved to reconsider the last vote.

Mr. Blandin moved to lay the motion to reconsider on the table.

Adopted.

Mr. Underwood moved to take from the table the motion to reconsider.

The Chair decided the motion not in order.

Mr. Underwood appealed.

The Chair was sustained.

Mr. Wickliffe moved to adopt the following as an article of the Constitution:

ART. —. All lands sold in pursuance of decrees of courts shall be divided into tracts of from ten to fifty acres. No individual, company or corporation shall be allowed to purchase more than one hundred and fifty acres at such sale.

Mr. Waples asked that the question be divided so as to take the vote upon the first and second clauses of the proposed article separately.

The first clause, as follows, was adopted:

ART. —. All land sold in pursuance of decrees of courts shall be divided into tracts of from ten to fifty acres.

Ayes 42, nays 11, as follows:

Ayes: Antoine, Bertonneau, Blandin, Burrel, Butler, Cooley, Crane, Cromwell, Cuney, Depasseau, P. G. Deslonde, G. Duparte, U. Dupart, Duplessis, Esnard, Harris, Ingraham, R. H. Isabelle, Jackson, Jones, Lange, Martin, McLeran, Morris, Moses, Myers, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Riard, Smith, Snaer, Thibaut, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—42 ayes.

Nays: Bonnefoi, Crawford, Dearing, Thomas Isabelle, Kelso, Leroy, Richard Lewis, Reese, Snider, Steele, Twitchell—11 nays.

The second clause was rejected as follows:

No individual company or corporation shall be allowed to purchase more than one hundred and fifty acres at such sale.

Ayes 16, nays 39, as follows:

Ayes: Antoine, Cromwell, Cuney, Francois, Harris, Jackson, Landers, Lange, Newsham, Oliver, Pierce, Pindexter, Pollard, Reese, Wickliffe, Williams—16 ayes.

Nays: Bertonneau, Blandin, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, Deslonde P. G., Dupart G., Dupart U., Duplessis, Esnard, Ingraham, Isabelle R. H., Isabelle Thos., Jones, Kelso, Leroy, Lewis R., McLeran, Morris, Moses, Myers, Packard, Pinchback, Riard, Riggs, Rodriguez, Smith, Snaer, Steele, Thibaut, Twitchell, Vandergriff, Waples Wilson—39 nays.

Mr. Moses moved to reconsider the last vote. Laid on the table.

Mr. Crawford moved to adopt the following as an additional article of the Constitution:

**ART. —.** No member of this Convention shall be eligible to any office of profit or honor in this State for one year after the Constitution shall go into effect.

Laid on the table.

Mr. Cooley moved to adopt the following article, recommended by the Committee, as an additional article of the Constitution:

**ART. —.** No judicial powers shall be exercised by clerks of courts.

Mr. Wickliffe moved to amend by adding “except in the parish of Orleans.”

The amendment was rejected, and the article as proposed was adopted.

Mr. Isabelle moved to adopt the following as an additional article of the Constitution:

**ART. —.** No soldier, sailor or marine in the military or naval service of the United States, shall hereafter acquire a residence in this State by reason of being stationed or doing duty in the same. Adopted.

Title VI was adopted as a whole.

Mr. Packard was called to the chair.

Mr. Crane moved to adopt the following recommendation:

We recommend to strike out title VII, and article 133.

J. G. TALIAFERRO,  
R. WAPLES,  
W. R. CRANE,  
W. H. COOLEY,  
P. B. S. PINCHBACK.

Laid on the table.

The following recommendations of the Committee were adopted:

**Article 133**—If the article is adopted, we recommend to strike out, 10th line, the words “the same report upon,” and 10th line, the words “in progress;” it will then read, “he shall communicate to the General Assembly, through the Governor, annually, his views concerning the condition of the public works, recommend such measures as in his opinion the public interest of the State may require, and shall perform, etc., etc.”

And in the 20th line to strike out the word “their,” and insert the word “internal.”

And substitute the word “improvements” for the word “improvement;”

And insert, after it, the words “in their respective districts.”

It will then read, “to tax themselves for internal improvements in their respective districts;”

And to strike out, 22d line, the words “have power to.”

And to strike out, 28th and 29th lines, the words “the general laws of the State,” and insert the words “the general system of internal improvements adopted by the State;”

And to strike out, 32d line, the words “or otherwise.”

Recommended by the

COMMITTEE.

Mr. Crawford moved to amend by striking out, in the second and third lines, the words “skilled in the theory and practice of his profession.”

Laid on the table.

Mr. Cromwell moved to amend by striking out “appointed by the Governor by and with the consent of Senate and House of the General Assembly.”

Laid on the table.

Article 133, as amended, was adopted, as follows:

#### TITLE VII—INTERNAL IMPROVEMENTS.

**ART. 133.** There shall be elected by the qualified electors, a State Engineer, skilled in the theory and practice of his profession, who shall hold his office at the seat of government for the term of four years. He shall have the superintendence and direction of all public works in which the State may be interested, except those made by joint stock companies or such as may be under the parochial or city authorities exclusively and not in conflict with the general laws of the State. He shall communicate

to the General Assembly, through the Governor, annually, his views concerning the condition of the public works, recommend such measures as in his opinion the public interest of the State may require, and shall perform such other duties as may be prescribed by law. His salary shall be five thousand dollars per annum, until otherwise provided by law. The mode of election, number and salary of his assistants shall be fixed by law. The State Engineer and assistants shall give bonds for the performance of their duties as shall be prescribed by law.

The General Assembly may create internal improvement districts, composed of one or more parishes, and may grant a right to the citizens thereof to tax themselves for internal improvements in their respective districts. Said internal improvement districts, when created, shall have the right to select commissioners, appoint officers, fix their pay, regulate all matters relative to the improvements of their districts, provided such improvements shall not conflict with the general system of internal improvements adopted by the State.

The General Assembly may grant aid to said districts out of the funds arising from the swamp and overflowed lands, granted to the State by the United States for that purpose.

The General Assembly shall have the right of abolishing the office of State Engineer, by a majority vote of all the members elected to each branch, and of substituting a board of public works in lieu thereof, should they deem it necessary.

The following amendment to article 134 was laid on the table:

Article 134—To strike out the entire article, and insert article one hundred and thirty-six of the majority report, as follows:

"It shall be the duty of the General Assembly to make provision for the education of all the youths in the State between the ages of six and eighteen years, without prejudice or partiality to any one."

W. H. COOLEY,  
T. S. CRAWFORD.

The following amendments were adopted:

If the article stands as adopted, to strike out, 3d line, the word "their," and insert the word "its."

Recommended by the

COMMITTEE.

To strike out, 9th line, before the word "race," the word "exclusive," and insert after the word "established" the word "exclusively."

Recommended by the  
COMMITTEE.

The following amendment was laid on the table:

Article 134—To strike out, first and second lines, the words "at least one free public school in every parish," and insert the words "a system of free public schools throughout the State."

W. H. COOLEY,  
P. B. S. PINCHBACK,  
T. S. CRAWFORD,

Mr. Packard was called to the chair.

Article 134, as amended, was adopted, as follows:

#### TITLE VIII—PUBLIC EDUCATION.

ART 134. The General Assembly shall establish at least one free public school in every parish throughout the State, and shall provide for its support by taxation or otherwise. All children of this State, between the ages of six (6) and twenty-one (21) shall be admitted to the public schools or other institutions of learning sustained or established by the State, in common, without distinction of race, color or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the State or Louisiana.

Article 135 was adopted, as follows:

ART. 135. No municipal corporation shall make any rules or regulations contrary to the spirit and intention of article 134.

The following amendments to article 136 were laid on the table:

Article 136—To strike out the entire article.

W. H. COOLEY,  
T. S. CRAWFORD.

If the article is adopted, we propose to strike out, 1st and 2d lines, the words "elected by the qualified voters of this State," and insert the words "appointed by the Governor."

W. H. COOLEY,  
R. WAPLES,  
T. S. CRAWFORD.

To strike out all after the word "law," 4th line.

Recommended by the

COMMITTEE.

Mr. Wickliffe moved to amend by striking out the words "and salary," in the third line, and add at the end, "he shall receive a salary of \$5000 per annum, payable quarterly on his own warrant."

Mr. Smith moved to lay the amendment on the table.

Lost.

The amendment was adopted—ayes 35, nays 22—as follows:

**Yeas:** Antoine, Belden, Bertonneau, Brown, Burrel, Cromwell, Douglas, U. Duwart, Francois, Gardiner, Thos. Isabelle, Jackson, Jones, Kelso, Lange, Leroy, R. Lewis, Martin, McLeran, Morris, Moses, Oliver, Packard, Pierce, Pinchback, Pollard, Snaer, Steele, Tinchant, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—35 yeas.

**Nays:** Blandin, Butler, Cooley, Crane, Crawford, Depasseau, P. G. Deslonde, Donato, G. Duparte, Duplessis, Fuller, Harrison, R. H. Isabelle, Mushaway, Myers, Riard, Riggs, Rodriguez, Smith, Thibaut, Vadergriff, Waples—22 nays.

Article 136, as amended, was adopted, as follows :

**ART. 136.** There shall be elected by the qualified voters of this State a Superintendent of Public Education, who shall hold his office for four years. His duties shall be prescribed by law and he shall have the supervision and the general control of all public schools throughout the State. He shall receive a salary of five thousand dollars per annum, payable quarterly, on his own warrant.

The following recommendation was laid on the table :

Article 137—to strike out the entire article.

W. H. COOLEY,  
W. R. CRANE.

Article 137 was adopted, as follows :

**ART. 137.** The general exercises in the public schools shall be conducted in the English language.

The following recommendation of the Committee was adopted:

Article 138—to strike out the entire article, and substitute article 137 of the majority report.

Recommended by the  
COMMITTEE.

Article 137, majority report, as follows, was adopted in lieu of article 138:

**ART. 138.** The proceeds of all lands heretofore granted by the United States for the use and support of public schools, and of all lands or other property which may hereafter be bequeathed for that purpose, and of all lands which may be granted or bequeathed to the State and not granted or bequeathed expressly for any other purpose, which may hereafter be disposed of by the State, and the proceeds of all estates of deceased persons to which the State may be entitled by law, shall be held

by the State as a loan, and shall be and remain a perpetual fund on which the State shall pay an annual interest of six per cent., which interest, with the interest of the trust fund deposited with this State by the United States, under the act of Congress, approved June 23, 1836, and the rent of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

The following recommendation of the Committee was adopted:

Article 139—to strike out the entire article, as its substantial provisions are all expressed in article one hundred and thirty-seven, majority report, as previously recommended by the Committee.

Recommended by the  
COMMITTEE.

Mr. Twitchell moved to adopt the following, as an additional article of the Constitution:

**ART. —.** All children of the State, between the ages of 6 and 21, not residing within a convenient distance of any established public school, shall draw their proportion of the public school fund.

It was laid on the table.

The following recommendation of the committee was adopted:

Article 140—to strike out all after the word "whatever," in the 3d line.

Recommended by the  
COMMITTEE.

Article 140, as amended, was adopted, as follows:

**ART. 140.** No appropriation shall be made by the General Assembly for the support of any private school, or any private institution of learning whatever.

Mr. Wickliffe moved to adopt the following as an additional article of the Constitution :

**ART. —.** One-half of the funds derived from the poll tax herein provided for, shall be appropriated exclusively to the support of the free public schools, throughout the State, and the University of New Orleans.

Adopted.

The following recommendation of the committee was rejected:

Article 141—to strike out the entire article.

Recommended by the  
COMMITTEE.

Mr. Wickliffe moved to amend article 141 by striking out all after the word "title," in the eleventh line.

Adopted.

Mr. Pinchback moved that the Secretary be instructed to insert the words "General Assembly" in the place of the word "Legislature," wherever it occurs in the Constitution.

Adopted.

Mr. Waples moved to amend article 141 by striking out the second sentence, and inserting the following:

It shall be composed of a law, a medical, and a collegiate department, each with appropriate faculties.

Adopted.

Article 141, as amended, was adopted, as follows:

ART. 141. A University shall be established and maintained in the city of New Orleans. It shall be composed of a law, a medical, and a collegiate department, each with appropriate faculties. The General Assembly shall provide by law for its organization and maintenance; *Provided*, That all departments of this institution of learning shall be opened in common to all students capable of matriculating. No rules or regulations shall be made by the trustees, faculties, or other officers of said institution of learning, nor shall any laws be made by the Legislature violating the letter or spirit of the articles under this title.

Article 142 was adopted, as follows:

ART. 142. Institutions for the support of the insane, the education and support of the blind and the deaf and dumb, shall always be fostered by the State, and be subject to such regulations as may be prescribed by the General Assembly.

Title VIII was adopted as a whole.

Mr. Waples moved to reconsider the vote upon the adoption of article 133 and title VII.

The motion to reconsider prevailed.

Mr. Pinchback moved to strike out title VII, and article 133.

Adopted—ayes 40, nays 13—as follows:

Yeas: Antoine, Belden, Bertonneau, Blandin, Bonnefoi, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing Depasseau, P. G. Deslonde, Douglas, U. Dupart, Duplessis, Esnard, Harrison, Ingraham, R. H. Isabelle, Thos. Isabelle, R. Lewis, Martin, Massicot, Mushaway, Myers, Pinchback, Poindexter, Riard, Rodriguez, Schwab, Snaer, Steele, Thibaut, Tinchant,

Twitchell, Vandergriff, Waples Williams—40.

Nays: Francois, Harris, Jones, Lange, McMillen, Moses, Oliver, Packard, Pierce, Valfroit, Vidal, Wickliffe, Wilson—13.

Mr. Wickliffe moved to strike out article 143 and insert in its place the following:

The Legislature shall provide for volunteer militia organization, to be composed only of able bodied registered citizens, between the ages of eighteen and forty-five. The Legislature shall allow no distinction of race or color in any militia organization.

Laid on the table.

The Convention adjourned until Monday at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SEVENTY-SIXTH DAY.

NEW ORLEANS, Monday, March 2, 1868.

The Convention met pursuant to adjournment, and was called to order by the President.

The roll was called and the following members answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Cromwell, Cuney, Demarest, Depasseau, Deslonde P. G., Deslonde Jos., Donato, Douglas, Dupart G., Dupart U., Duplessis, Francois, Fuller, Gardiner, Harris, Hempstead, Ingraham, Isabelle R. H., Isabelle Thos., Landers, Lange, Lewis R., Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Smith, Snaer, Thibaut, Twitchell, Underwood, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—65 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Bertonneau:

*Motion*, That a sum of four hundred dollars each, be given to Mr. Campbell and Mr. Pickard for their services.

The rules were suspended, and the resolution was adopted.

By Mr. Burrel:

*Motion*, That any delegate to this Convention who has voluntarily absented himself from and after the first of February, 1868, and who has not answered to his

name since, shall not be paid his *per diem* from that date.

Lies over.

Mr. Lange moved that Patrick Meade, who has been in constant attendance as police guard for the Convention from its beginning, for his faithful and efficient services, receive a warrant to the amount of one hundred dollars.

Adopted.

By Mr. Underwood:

*Resolved*, That the chairman of the Committee of Enrollment be instructed to have engrossed and enrolled forthwith the Constitution, as adopted up to date.

Lies over.

By Mr. Smith:

I move that on the final adoption of this Constitution, every delegate shall be allowed to explain his vote for or against its adoption or rejection.

Mr. Crawford moved to amend by substituting the following:

*Resolved*, That the rule limiting debate to five minutes be suspended during the debate on the adoption of the Constitution as a whole, and that on that question each member who wishes, be allowed to speak 30 minutes.

Laid on the tabled.

The motion of Mr. Smith was adopted.

Mr. Waples moved that the five minutes rule be repealed.

Adopted.

Mr. Jones moved that members of this Convention shall be permitted to sign the Constitution after its adoption by this Convention.

Adopted.

Mr. Esnard moved that we shall not adjourn to-day until we get through with adopting the Constitution as a whole.

Laid on the table.

By Mr. Hempstead:

*Resolved*, That an extra compensation of \$200 each be allowed the Warrant Clerk and the Clerks of the Committees on Printing, Enrollment and Contingent Expenses for the faithful manner in which they have performed their duties during the session of this Convention.

Laid on the table.

#### UNFINISHED BUSINESS.

Article 143 was adopted as follows:

#### TITLE IX—MILITIA.

ART. 143. It shall be the duty of the General Assembly to organize the militia of the State, and all able bodied male citizens, between the ages of 18 and 45 years, not disfranchised by the laws of the United States and of this State, shall be subject to military duty.

Article 144 was adopted as follows:

ART. 144. The Governor shall appoint all commissioned officers, subject to confirmation or rejection by the Senate, except the staff officers, who shall be appointed by their respective chiefs, and commissioned by the Governor. All militia officers shall take and subscribe to the oath prescribed for officers of the United States army, and the oath prescribed for officers in this State.

The following recommendation was rejected:

Articles 144 and 145—To strike out the entire articles. W. R. CRANE.

The following recommendation was adopted:

Article 145—To strike out all after the word "as," 4th line, and insert the words "officers and privates, as is received by officers and privates in the United States army."

Recommended by the

COMMITTEE.

Article 145, as amended, was adopted, as follows:

ART. 145. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public safety may require it. The militia when in active service shall receive the same pay and allowances as officers and privates as is received by officers and privates in the United States army.

Title IX was adopted as a whole.

Mr. Crane recorded his vote as follows: I vote no.

Mr. Cromwell moved to amend article 146, by adding:

*Provided*, That no amendment shall be proposed to this Constitution until the year 1888.

Laid on the table.

The following amendment to article 146 was rejected:

Article 146—To strike out, 3d line, the words "two-thirds," and insert the words "a majority."

W. R. CRANE.

The following amendment to article 146 was adopted:

To insert, 5th line, the word "respective," between the words "their" and "journals."

Recommended by the  
COMMITTEE.

Mr. Cromwell moved to amend by adding:

And no more than one amendment shall be submitted at one time.

The amendment was rejected.

Article 146, as amended, was adopted, as follows:

#### TITLE X—MODE OF REVISING THE CONSTITUTION.

ART. 146. Any amendment, or amendments, to this Constitution, may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each House, such proposed amendment or amendments shall be entered on their respective journals with the ayes and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election for representatives to the General Assembly, in at least one newspaper in every parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of this Constitution. If more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

Article 147 was adopted as follows:

#### TITLE XI—SCHEDULE.

ART. 147. The ordinance of secession of the State of Louisiana passed twenty-sixth January, eighteen hundred and sixty-one, is hereby declared to be null and void. The Constitution adopted in eighteen hundred and sixty-four, and all previous Constitutions in the State of Louisiana are declared to be superseded by this Constitution.

Mr. Jones was called to the chair.

The following amendment to article 148 was rejected:

Article 148 — To strike out 10th, 11th, 23d, 24th, 25th, 26th and 27th lines.

W. H. COOLEY.

Article 148 was adopted as follows:

ART. 148. All rights, actions, prosecutions, claims, contracts, and all laws in force at the

time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if it had not been adopted. All judgments and judicial sales, marriages and executed contracts made in good faith and in accordance with existing laws in this State, rendered, made, or entered into between the twenty-sixth day of January, eighteen hundred and sixty-one, and the date when this Constitution shall be adopted, are hereby declared to be valid, except the following laws:

"An act to authorize the widening of the new canal and basin." Approved March 14th, 1867.

"An act to amend and re-enact the 121st section of an act entitled 'An act relative to crimes and offences.'" Approved December 20th, 1865.

"An act for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting laborers, servants or apprentices." Approved December 21st, 1865.

"An act to punish, in certain cases, the employers of laborers and apprentices." Approved December 21st, 1865.

"An act in relation to exemption from State, parish and city taxes for the years 1862, 1863, 1864, and 1865, in certain cases." Certified 16th March, 1866.

"An act granting ferry privileges to C. K. Marshall, his heirs or assigns." Approved March 10, 1866.

"An act to authorize the board of levee commissioners, of the levee district in the parishes of Madison and Carroll, to issue bonds," etc., etc. Approved March 28, 1868.

Section third of "An act to organize the police of New Orleans, and to create a police board therein." Approved 12th February, 1866.

Article 149 was adopted as follows:

ART. 149. The laws relative to the duties of officers shall remain in force, though contrary to this Constitution, and the several duties be performed by the respective officers, until the organization of the government under this Constitution.

Article 150 was adopted as follows:

ART. 150. The Legislature shall provide for the removal of causes now pending in the courts of this State to courts created by or under this Constitution.

Title XI was adopted as a whole.

Article 151 was adopted as follows:

#### TITLE XII—ORDINANCE.

ART. 151. Immediately upon the adjournment of this Convention, this Constitution shall be submitted for ratification to the registered voters of the State,

in conformity to the Act of Congress passed March 2, 1867, entitled "An act to provide for the more efficient government of the Rebel States," and the acts supplementary thereto.

Mr. Wickliffe moved to lay on the table the following recommendation:

Articles 152, 153, 154, 155, 156, 157, 158, 159 and 160—To strike out the entire articles, and insert articles 149 and 150, majority report, as follows:

ART. — After the Constitution shall have been ratified, the President of the Convention, or, in case of his death or absence, the Chief Justice of the State, shall immediately give notice of the ratification thereof, and order an election of all elective officers under this Constitution, to take place within thirty days thereafter. Immediately after the ratification of this Constitution, the President of the Convention shall appoint one registrar in each parish, except the parish of Orleans, and one in each district of the parish of Orleans, who shall, each in his parish or district, appoint commissioners to hold the first election under this Constitution.

ART. — The election thus ordered shall be held at the place now prescribed by law, and shall continue two days; the place for voting to be kept open from sun-rise to sunset each day. Returns shall be made in duplicate, sworn to by the commissioners holding the election, and forwarded within three days thereafter to the registrar of the parish or district. The registrar shall immediately forward one copy of said returns to the President of the Convention, or in case of his death, to the Chief Justice of the State, who shall within——days after the last day of the said election make proclamation of the result thereof. All officers thus elected shall enter upon the discharge of their respective duties on the Monday next succeeding the day upon which the proclamation heretofore provided for shall be made, and continue in office until their successors shall be inducted into office.

W. H. COOLEY,  
W. R. CRANE.

Adopted.

Mr. Wickliffe moved to fill the blank in article 152, by inserting "Friday and Saturday, the seventeenth and eighteenth days of April, eighteen hundred and sixty eight, at the places now prescribed by law."

Adopted.

The following recommendation was adopted:

Article 152—To strike out, 1st line, the words "or rejection."

Recommended by the  
COMMITTEE.

Article 152, as amended, was adopted, as follows:

ART. 152. The election for the ratification of the Constitution shall be held on Friday and Saturday, the seventeenth and eighteenth days of April, eighteen hundred and sixty-eight, at the places now prescribed by law, and the polls shall be kept open from 7 o'clock A. M. to 7 o'clock P. M. At that election all those in favor of ratifying the Constitution shall have written or printed on their ballots "For the Constitution," and those opposed to ratifying the Constitution shall have written or printed on their ballots "Against the Constitution."

Mr. Blandin moved to lay the following recommendation on the table.

Article 153—To strike out, 4th line, all after the word "ratification," to the word "at," 6th line, and insert the following: "For members of the General Assembly, members of Congress, and for State officers to fill the offices created by this Constitution in the articles under the title of Executive Department."

R. WAPLES.

Adopted.

Mr. Cooley moved to amend article 153, by striking out the words, 7th line, "under the reconstruction acts of Congress."

Laid on the table.

Mr. Packard moved to amend article 153 by adding, 8th line, "*Provided*, That any elector shall be eligible to any office under any municipal corporation in this State."

Adopted.

Article 153, as amended, was adopted, as follows:

ART. 153. In order to establish a civil government as required by act of Congress, passed March 23, 1867, an election shall be held at the same time and place at which the Constitution is submitted for ratification or rejection for all State, judicial, parish and municipal officers for members of the General Assembly, and for Congressional Representatives, at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others; *Provided*, That any elector shall be eligible to any office under any municipal corporation in this State.

Mr. Wickliffe moved to adopt the following as an article of the Constitution in the place of article 154:

ART. 154. At the election for the ratifica-

tion of the Constitution, and for officers of the civil government, as required by Congress, all registered electors may vote in any parish where they have resided for ten days next preceding said election, and at any precinct in the parish, upon presentation of their certificate of registration, affidavit or other satisfactory evidence that they are entitled to vote as registered electors.

Adopted.

Articles 155 and 156 were adopted, as follows:

**ART. 155.** The same registrars and commissioners who shall be appointed by the Commanding General of the Fifth Military District to superintend the election for the ratification or rejection of the Constitution, shall, also, at the same time and place, superintend the election for all officers and representatives herein ordered, provided they be authorized so to act by the Commanding General. And in case the Commanding General should not so authorize said registrars and commissioners, the Committee of Seven, appointed by this Convention to take charge of the whole matter of the ratification of the Constitution and the election of civil officers, shall appoint one registrar for each parish in the State, except the parish of Orleans, and one in each district of the parish of Orleans—counting Orleans, right bank, as one district—who shall each, in his parish or district, appoint a sufficient number of commissioners of election to hold the said election for said civil officers and Representatives, at the same time and place as herein provided for.

**ART. 156.** Returns shall be made in duplicate, sworn to by the commissioners holding the election, and forwarded within three days thereafter, to the registrars of the parish or district. The registrar shall immediately forward one copy of said returns to the chairman of the Committee of Seven appointed by this Convention, who shall, within ten days after the last return has been received, make proclamation of the result of said election.

Mr. Wickliffe moved to adopt the following as an article of the Constitution, in the place of article 157:

**ART. 157.** All civil officers thus elected shall enter upon the discharge of their duties, on the second Monday after the return of their election shall have been officially promulgated, or as soon as qualified according to law, and shall continue in office, for the terms of their respective offices, herein prescribed, said terms to

date from the first Monday in November, following the election.

Mr. Cooley moved to amend by adding the words "eighteen hundred and sixty-seven" after November, in the last line, and striking out the words "following their election."

Mr. Wickliffe moved to lay the amendment of Mr. Cooley on the table.

Adopted—ayes 35, nays 22—as follows :

Yea: Baker, Blackburn, Blandin, Burrel, Cromwell Douglas, Dupart U., Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, Jones, Lange, Leroy, Marie, Massicot, Meadows, McLeran, Moses, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Schwab, Thibaut, Twitchell, Underwood, Vidal, Wickliffe, Williams, Wilson—35 yeas.

Nays: Belden, Bertonneau, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Deslonde P. G., Dupart G., Dulessis, Esnard, Fuller, Ferguson, Harrison, Isabelle R. H., Isabelle Thos., Mushaway, Riard, Riggs, Rodriguez—22 nays.

The substitute of Mr. Wickliffe for article 157 was adopted as follows:

All civil officers thus elected shall enter upon the discharge of their duties, on the second Monday after the return of their election shall have been officially promulgated, or as soon as qualified according to law, and shall continue in office, for the terms of their respective offices herein prescribed, said terms to date from the first Monday in November following the election.

Mr. Crane moved to adopt the following recommendation:

Article 158—To strike out, 2d line, the words "Baton Rouge," and insert the words "New Orleans." W. CRANE,  
R. WAPLES.

Mr. Lange moved to lay the motion on the table. Lost.

The amendment was adopted.

The following recommendation was adopted:

To strike out the words "Baton Rouge," and insert the words "New Orleans."

Mr. Cooley moved to adopt the following recommendation by members of the committee:

Article 158—To strike out all after the word "1856," in sixth line. R. WAPLES,  
W. R. CRANE,  
W. H. COOLEY.

Mr. Wickliffe moved to lay the motion on the table.

Adopted.

Article 158, as amended, was adopted, as follows:

ART. 158. The General Assembly elected under this Constitution shall hold its first session in the city of New Orleans on the third Monday after the official promulgation aforesaid, and proceed immediately upon its organization to vote upon the adoption of the 14th amendment to the Constitution of the United States, proposed by Congress, and passed June 13, 1866. Said Legislature shall not have power to enact any laws relative to the *per diem* of members or any other subject, after organization, until said Constitutional Amendment shall have been acted upon.

Mr. Waples moved to amend article 159 by striking out, in the 6th line, the words "herein provided for."

Adopted.

Article 159, as amended, was adopted, as follows:

ART. 159. All registrars and commissioners appointed under this Constitution, shall, before entering upon their duties, take and subscribe the oath of office prescribed by Congress, approved July 2, 1862, entitled "An act to prescribe an oath of office;" the said oath of office shall be administered, to each registrar, by the Chairman of the Committee of Seven, and to each commissioners by the registrar appointing him.

Article 160 was adopted as follows:

ART. 160. All registrars, commissioners, and other officers, necessary to carry into effect the provisions of this Ordinance, except as otherwise provided for by the Reconstruction Acts of Congress, shall be paid out of any funds raised by virtue of the Tax Ordinance, adopted by the Convention, December 24, 1867, not otherwise appropriated.

Mr. Cooley moved to adopt the following as an article of the Constitution:

ART. —. Nothing contained in article 148 shall be construed as a repeal of the laws excepted therein, as it is not intended by the Convention either to ratify or disapprove of them.

Mr. Harris moved to lay the motion of Mr. Cooley on the table.

Adopted.

Title XII was adopted as a whole.

Mr. Wickliffe moved to adopt the Constitution as a whole.

Adopted—ayes 71, nays 6—as follows:

Ayes : Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonnefoi, Brown, Burrell, Butler, Crane, Cromwell, Cuney, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Thomas Isabelle, Jackson, Jones, Kelso, Lange, Leroy, J. B. Lewis, Richard Lewis, Marie, Martin, Massicot, Meadows, McLaran, Morris, Moses, Mushaway, Myers, Newsom, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Rodriguez, Schwab, Snaer, Thibaut, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—71 ayes.

Nays : Cooley, Crawford, Dearing, Ferguson, Harrison, Vandergriff—6 nays.

The yeas and nays being called upon the adoption of the Constitution as a whole, Mr. Blackburn, of Claiborne, voted yes, with the following protest against some of its features:

#### PROTEST.

MR. PRESIDENT—I desire to give some reasons for dissenting from portions of the Constitution now about to be submitted to the people for their approval or rejection, while at the same time I shall agree to vote for the adoption, and sign the instrument as a whole, and recommend its ratification; and what I say may not be entirely original in either thought or language, but is nevertheless gathered from mature meditation upon what I have read and experienced, and will, I trust, be deemed appropriate, and worthy to be spread upon the journal of the Convention.

Then, Mr. President and gentlemen of the Convention, allow me to say in the forcible and telling language of one of the ablest writers of the age, that the great false idea from which we have suffered and are suffering so much, viz: "That if you can only get a certain law or constitutional provision passed, your object will be accomplished," is an idea drawn from aristocratic societies, and has in truth neither use nor practical application in this country. In aristocracies the opinions of but few men are expressed in legislation; and they are generally maturely weighed, and form a part of a deliberately framed policy before they are embodied in legislation. The acts in which they are clothed are therefore likely to stand, and do stand, and often work important social changes, no matter how unwise they may be, or what the people think of them. But in a Democracy like ours,

there is no use in legislating in advance of the popular sentiment, by which I mean, a patriotic and enlightened public sentiment. True, the legislator may be a better man than his fellows, and he may seem to have a splendid opportunity of setting the world to rights, and it may be that he is only trying to enforce some principle, to which, though the people may not be prepared for it, yet, they will one day work up; but he will, under such circumstances, not only not help the cause he has at heart, but hinder it, if he seeks to base his legislation on simply his own ideas of right, and not on firm, popular and well matured *public conviction*.

If there is one thing which experience is teaching modern nations more thoroughly than another it is the comparative worthlessness of all mere political arrangements on paper, whether constitutions, treaties, or legislative acts. The mere fact that they are laws, passed and recorded with the proper formalities, seems of itself to gain for them neither durableness nor authority. I believe I alluded to this fact, and instanced the practical futility of the Civil Rights bill in localities where the popular sentiment is opposed to its execution, in discussing an important provision in the Constitution which was passed against my solemn protestation and earnest advice—a provision, the “importance” of which, I may say, consists in its folly and impracticability. The pages of our legislation are dotted and marred everywhere with those worthless and mischievous paper guaranties, formed in folly and against reason and the public approbation. Of all the treaties which have been made between civilized nations since 1800, not one has the least force except what it draws from the support and approval of public opinion at the present day. The treaties of 1815 were supposed to have made the settlement of Europe, arranged in that year, perpetual. They began to be rent in twain, however, fifteen years later, and now not a shred remains. The treaty of Paris was supposed to have driven Russia out of the Black Sea and settled the “Eastern Question.” But what is the treaty worth to-day?

Forty years ago, about the time when the British and American Constitutions were furnishing models for “charters” to such of the other nations of the earth as longed for constitutional government, there was a widespread belief among politicians that if you only gave a country a well drawn constitution, properly engrossed, attested, and sworn to, its happiness was sure. France, Greece, Belgium, and the Spanish and

American republics all sought this *imaginary* short and easy road to liberty and prosperity. And during the anti-slavery struggle in this country, each side flattered itself that if it could only procure the embodiment of its views in an act of Congress, or in a judicial decision, the struggle would be over. When the ordinance of 1789 was passed, the Northwest was supposed to be henceforward secured to freedom. When the Missouri compromise was made, the conflict between the rival systems of labor was believed by the authors of the measure, and by a large portion of the public, to be at an end. The Fugitive Slave Law was looked upon as another great quieter of controversy. But none of these measures could compare with the Dred Scott Decision! We all know the shouts of triumph that came from the throats of the devotees of slavery, as that was hurled at the heads of Republicans. There it was, duly rendered in full court on final appeal, with reasons given, and every form complied with; what was there left for the friends of freedom to do but to submit and be silent? But where are all these “settlements” now? And the temperance reformers all over the North have for many years been fully satisfied that if they could only get drinking prohibited by law, they would confer one of the greatest of benefits on the community; and they were ever ready and willing to have the law passed any way, by strategem, by surprise, in a fit of excitement or enthusiasm. The great thing was to make drinking illegal; this done, no matter what the moderate drinker said or felt, the good cause was triumphant. But we all know what the end of these unnatural efforts has been. And the late so-called acts of secession in the Southern States form another striking example of the folly of legislative “snap-judgments,” as against the moral sentiment of the patriotic and enlightened masses in a free country; and if necessary, we might even come down and enumerate some of the practical inconsistencies and wordy impossibilities, not to say self-destroying injustice, to be found in the Reconstruction acts under which we are now operating.

In fact, the mere passing of an act in a Democracy, if it is not the expression of the popular will—and by this I mean the popular will formed by careful reflection, by time, and by a fair consideration of all the arguments for and against the proposed measure—may be said to be not only worthless, but injurious; because it leads to that incessant unrest and uncertainty, that want of fixity in policy, want of respect for vested rights, and that constant doing and undoing

which are every year more and more the characteristics and curses of our legislation, both congressional and State.

These brief allusions may clearly indicate, outside of any party consideration, my objections to some features of the Constitution which this Convention is now submitting to the qualified voters of the State for their action. But with all its faults, I consider that it contains much more of good than of evil, and shall therefore vote for its adoption as a whole, and heartily recommend its ratification, believing that it may prove, at least, a stepping-stone to better days—and feeling, too, that any change in this country at the present time, whether in a political, financial, social or moral sense, cannot fail to be for the better.

Respectfully submitted, with the request that it go upon the record—under the rule that a member has the privilege of explaining his vote in writing.

W. JASPER BLACKBURN,  
Claiborne Parish.

Mr. Crawford recorded the following reasons for his vote:

**PROTEST OF T. S. CRAWFORD, OF CALDWELL  
AND OUACHITA.**

The undersigned member of the Constitutional Convention of the State of Louisiana respectfully submits the following as some of the reasons which impel him to vote against the adoption of the Constitution framed by this Convention:

1. In the Bill of Rights, social equality is attempted to be enforced, and the right of citizens to control their own property is attempted to be taken from them.

2. A judicial system has been adopted which, in my opinion, is radically defective and will render uncertain and insecure the rights to property and the lives and liberties of the people.

3. A system of public education has been adopted, which, in my opinion, will force heavy contributions from the tax-payers of the State and will entirely prevent any public schools from being carried into effect, and tend to prevent the rising generation from being educated, and to entail upon the State a large class of ignorant inhabitants, and will subject the State to the exclusive control of the ignorant and uneducated.

4. A system of proscription is adopted which attempts to deprive a large class of citizens of the privilege of voting or holding office who are liable to pay taxes and assist in bearing the burden of government and the manner of restoration is calculated to invite the mean and unprincipled to participate in voting and holding office, and to drive away the good and honorable.

5. The oath of office is inconsistent with the Constitution, is absurd, disgraceful and ridiculous.

6. The direct tendency of the Constitution as a whole, is to engender and perpetuate a state of strife between the citizens of the State, to such an extent as will lead to hostile collisions, anarchy and the utter subversion of all law and governments; that the adoption of the Constitution, will drive many good citizens from, and prevent emigration to the State, retard her progress, destroy her internal improvements, blight her prosperity and destroy her peace and happiness.

He respectfully asks that these reasons be entered upon the journal of the Convention.

T. S. CRAWFORD.

Mr. Harrison recorded the following reasons for his vote:

In addition to the reasons assigned by Judge Crawford, I vote against the Constitution, because:

1. I am opposed to any disfranchisement.
2. In my opinion, the whole plan of reconstruction is agrarian and adverse to Christian civilization.

[Signed] THOS. P. HARRISON,  
of Morehouse and Carroll.

Mr. Ingraham recorded the following reasons for his vote:

I vote *yes* with the profound conviction that the Constitution secures to all people of this State equal justice.

Mr. Twitchell recorded the following reasons for his vote:

I vote for the Constitution, protesting against title 8, believing that in the present condition of the State a just division of the public school fund among the children of the State is the only proper course to be pursued.

[Signed] M. H. TWITCHELL,

Mr. Berthonneau moved that absent members be allowed to record their vote on the adoption of the Constitution.

It was adopted.

Mr. Waples moved that the phraseology of article 98 be changed so as to read as follows:

ART. 98. The following persons shall be prohibited from voting and from holding any office: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable in the penitentiary, and person, under interdiction.

All persons who are estopped from claiming the right of suffrage, by abjuring their allegiance to the United States Gov-

ernment, or by notoriously levying war against it, or adhering to its enemies, giving them aid or comfort, but who have not expatriated themselves, nor have been convicted of any of the crimes mentioned in the first paragraph of this article, are hereby restored to the said right, except the following: Those who have held office, civil or military, for one year or more, under the organization styled "the Confederate States of America;" those who registered themselves as enemies of the United States; those who acted as leaders of guerilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles, or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State. No person included in these exceptions shall either vote or hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it, and he shall file the certificate in the office of the Secretary of State, and it shall be published in the official journal; *Provided*, That no person who prior to the first of January, 1868, favored the execution of the laws of the United States, popularly known as the Reconstruction acts of Congress, and openly and actively assisted the loyal men of the State in their efforts to restore Louisiana to her position in the Union, shall be held to be included among those herein excepted. Registrars of voters shall take the oath of any such person as *prima facie* evidence of the fact that he is entitled to the benefits of this proviso.

Mr. Cooley moved that a committee of three be appointed to superintend the enrolling of the Constitution.

Adopted.

By Mr. Wickliffe:

*Motion*, That the chairman of the Committee on Enrollment be instructed and authorized to employ additional clerks so as to have three copies of the Constitution ready for the signature of the members tomorrow at 12 o'clock.

Adopted.

The President appointed the following members upon the Committee on the Enrollment of the Constitution:

Messrs. Wickliffe, Blackburn and Ingraham.

Mr. Valfroit recorded the following reasons for his vote:

I vote *yes* for the adoption of the whole

Constitution, as it stands, for I don't see nothing in it that restrains the rights of any loyal citizens of the State of Louisiana nor of the United States. And, moreover, I believe that this Constitution is the only one that will secure our sacred rights, and bring the blessing of Almighty God upon our noble State, and give us our rights and liberty, and the unity of minds and hearts hereafter forever.

[Signed] P. F. VALFROIT,  
Delegate of Ascension Parish.

Mr. Baker recorded his vote as follows:

The removal of prejudices and time-honored civilized customs, by mere acts of legislation, is not encouraged by the teachings of history; keeping this fact in view, I must as a practical man dissent from some of the provisions of the Constitution, as adopted, but I vote for the instrument as a whole, believing that a return to civil rule is preferable for the people of Louisiana, even upon a basis which may be temporary or some of the features of which may be unjust—to that increased ruin and desolation—moral and political, into which they must soon drift under our present status of anarchy and military despotism.

L. W. BAKER, of Bossier.

Mr. Dearing recorded the following reasons for his vote:

In casting my vote against this Constitution, I desire briefly to explain my motives and sentiments. I am not actuated by any captious opposition to the will of the majority, for against that will far greater abilities than mine have struggled in vain upon this floor, and if it be subsequently ratified by the people, I shall of course yield to it with the submission and good grace, I hope, that is due by every citizen to the doctrines of our institutions, that the majority must govern; not that I think the majority are always right. For I contend that in such an important and delicate a matter as the framing of the social contract under which all are to live and to be governed, the feeling, the convictions, and even the prejudices of any respectable minority should be treated with some regard, and some spirit of mutual concession.

In the Bill of Rights, the attempt that is made at legislating on social equality will do no good to any one, and calculated to open up the way for much turmoil; it attempts to deprive persons of vested rights, and the voluntary control of their property. It will prevent the introduction of capital, prevent emigration, and retard the progress of the State.

The judiciary is faulty in many respects. I am opposed to the articles on franchise, oath of office, also the articles on Public Educa-

tion. And also, the making of the seat of Government at New Orleans. I am opposed to the whole Title on Ordinance.

The Constitution contains, I know, many valuable provisions which I should regret to loose, but as I cannot here seperate the good that is in it from what I consider to be the overweighing rubbish, I feel myself compelled to vote against the whole.

GEO. W. DEARING, Jr.,  
of Rapides.

Mr. Fuller recorded his vote as follows:

I vote for the Constitution, protesting against artice 13, article 98, article 99.

I am strongly opposed to disfranchise-  
ment.

HENRY W. FULLER.

Mr. Martin recorded his reasons for his  
vote as follows:

I vote *yes* for the adoption of the Constitu-  
tion as a whole, with a protest against  
the proposed substitute offered by Mr. Wa-  
ples, known as article 98, of the Constitu-  
tion, and adopted as the disfranchise-  
ment clause, for the following reasons:

1. That I do consider and believe that  
men of my race are equal to the white race;  
and that they are endowed of all manly and  
intelligent faculties; and that they are able  
to fight their way through without using  
any proscriptive means against their oppo-  
nents.

2. Because I think that this article is in  
conflict with the 14th article of the recon-  
struction act.

3. Because those who have voluntarily  
engaged in rebellion and insurrection  
against the United States, are not deprived  
of their rights of citizenship.

4. Because said article embodies contrary  
principles of Republicanism.

Respectfully submitted, with the request  
that it will be spread upon the minutes  
agreeably to resolutions adopted to said  
effect, allowing members the explanation of  
their vote.

THOS. W. MARTIN.

of Jefferson.

The Convention adjourned until to-mor-  
row at 10 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SEVENTY-SEVENTH DAY.

NEW ORLEANS, Tuesday, March 3, 1868.

The Convention met pursuant to adjour-  
nement, and was called to order by the  
President at 10 A. M.

The roll was called, and the following  
members answered to their names:

President J. G. Taliaferro; Messrs. An-  
toine, Baker, Belden, Beronneau, Black-

burn, Blandin, Bonseigneur, Bonnefoi,  
Brown, Burrel, Butler, Cooley, Crane,  
Crawford, Cromwell, Cuney, Dearing, De-  
passeau, Deslonde P. G., Deslonde J., Do-  
nato, Douglas, Duparte G., Dupart U., Du-  
plessis, Esnard, Francois, Fuller, Gardiner,  
Guichard, Harper, Harrison, Hempstead,  
Isabelle R. H., Isabelle T., Jones, Kelso,  
Lange, Leroy, Marie, Martin, Meadows,  
McLeran, Morris, Moses, Murrel, Musha-  
way, Myers, Newsham, Packard, Pinch-  
back, Pollard, Reagan, Reese, Riard, Riggs,  
Roberts, Rodriguez, Schwab, Snaer, Thi-  
baut, Twitchell, Underwood, Valfroit, Van-  
dergriff, Vidal, Waples, Wickliffe, Wil-  
liams, Wilson—71 members present.

Prayer by the Rev. Jos. Fisk.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Pinchback:

*Resolved*, That the Warrant Clerk be au-  
thorized to issue warrants for one hundred  
and fifty dollars each to Sandy Rose, Jeff  
Stokes and Allen Vincent.

Mr. Underwood offered the following  
substitute:

*Motion*, That the Enrolling Clerks, Com-  
mittee Clerks and Warrant Clerk be allowed  
each two hundred and fifty dollars. The  
Sergeant and Assistant Sergeant-at-Arms,  
each one hundred and fifty dollars. Door-  
keeper one hundred dollars, as an additional  
compensation for the faithful performance  
of their duties during the session of this  
Convention.

Mr. Hempstead moved to amend by add-  
ing after the words “door-keeper,” “each  
page fifty dollars.”

Mr. Wickliffe offered the following sub-  
stitute:

*Resolved*, That E. Gauthier, A. Gury, J.  
R. Verbois, Ernest Longpre and G. W.  
Madder, clerks, be allowed the sum of one  
hundred and fifty dollars each, as compen-  
sation for additional services rendered.  
And that the Warrant Clerk be authorized  
to issue warrants to the said parties for the  
respective amounts.

Adopted—ayes 52, nays 11—as follows:

Ayes: Antoine, Belden, Beronneau,  
Blackburn, Bonnefoi, Brown, Burrel,  
Cooley, Cromwell, Dearing, P. G. Des-  
londe, U. Dupart, Francois, Guichard,  
Harper, Harris, Hempstead, Ingraham,  
R. H. Isabelle, Jones, Lange, Leroy,  
Marie, Martin, Massicot, Meadows, Morris,  
Moses, Murrel, Mushaway, Newsham,  
Oliver, Packard, Pinchback, Poindexter,  
Pollard, Reagan, Riggs, Roberts, Rodri-  
guez, Schwab, Smith, Snaer, Thibaut, Tin-

chant, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Wickliffe, Williams—52 ayes.

Nays: Butler, Crane, Crawford, Cuney, Douglas, G. Duparte, Ferguson, McLeran, Myers, Riard, Waples—11 nays.

Mr. Smith recorded his vote *yes*, upon the Constitution as a whole.

Mr. Tinchant recorded the reasons for his vote *yes*, upon the Constitution, as follows:

Most sincerely hoping that the loyal people of this State will, through their Legislature, soon wipe out any of the disfranchising clauses of this Constitution; and, most earnestly believing that under the Constitution, on the adoption of which I am about to vote, all the rights and privileges of all men without distinction of race, color, or previous condition, shall be fully secured and warranted forever in this State, I cheerfully record my vote in the affirmative.

By Mr. Ferguson:

*Resolved*, That each member of the Convention be allowed an extra compensation of \$2000. The Warrant Clerk will issue warrants accordingly.

Laid on the table as ridiculous and irrelevant.

By Mr. Hempstead:

The Warrant Clerk is hereby authorized to issue warrants in sums of fifty dollars each for the pages of this Convention.

Mr. Cooley moved to amend by adding "and one for \$25 to Mr. Hathaway, volunteer page." Adopted.

The resolution, as amended, was adopted.

By Mr. Underwood:

*Resolved*, That the resolution adopted by this Convention on the 17th of December, 1867, giving the publication of the Official Journal of this Convention to several newspapers of this State, be amended by striking out the words "St. Landry Progress," and inserting in lieu thereof the words "Assumption Progress."

Mr. Bonseigneur moved to lay on the table.

Lost.

Mr. Crawford asked for a division of the question, so as to take the vote separately upon the first and second clauses of the resolution.

The first clause was adopted as follows:

*Resolved*, That the resolution adopted by this Convention on the 17th of December, 1867, giving the publication of the Official

Journal of this Convention to several newspapers of this State, be amended by striking out the words "St. Landry Progress."

The second clause, as follows, was adopted:

And inserting in lieu thereof the words "Assumption Progress."

Ayes 39, nays 24, as follows:

Yeas: Baker, Blackburn, Burrel, Cuney, Douglas, Dupart U., Duplessis, Francois, Guichard, Harper, Harris, Hempstead, Ingraham, Landers, Lange, Marie, Martin, Massicot, McLeran, Morris, Murrel, Newsham, Oliver, Packard, Pinchback, Pindexter, Pollard, Reagan, Roberts, Schwab, Snaer, Thibaut, Tinchant, Twitchell, Underwood, Valfroit, Vidal, Wickliffe, Williams—39 yeas.

Nays: Antoine, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Cromwell, Deslonde P. G., Donato, Duparte G., Fuller, Ferguson, Isabelle R. H., Jones, Lewis J. B., Mushaway, Myers, Riggs, Rodriguez, Vandergriff, Waples—24 nays.

Mr. Tinchant moved to reconsider the last vote.

Mr. Cooley moved to reject the vote of any member who may be pecuniarily interested in the passage of the resolution.

Mr. Pinchback raised the point of order that the motion of Mr. Cooley should not be entertained.

The Chair ruled adversely.

Mr. Pinchback appealed.

The Chair was sustained.

Mr. Vidal asked to be excused from voting.

Mr. Cooley moved that his request be granted.

Adopted.

The motion to reconsider did not prevail—ayes 22, nays 43—as follows:

Ayes: Blandin, Bonseigneur, Bonnefoi, Cooley, Crane, Crawford, Dearing, Depasseau, Donato, Duparte G., Ferguson, Garrison, Isabelle R. H., Kelso, Mushaway, Pinchback, Pollard, Rodriguez, Tinchant, Vandergriff, Waples, Williams—22 yeas.

Nays: Baker, Blackburn, Burrel, Cromwell, Cuney, Deslonde P. G., Douglas, Dupart U., Duplessis, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, Jones, Landers, Lange, Leroy, Lewis R., Marie, Martin, Massicot, Meadows, McLeran, Morris, Moses, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pindexter, Reagan, Riard, Roberts, Schwab,

Snaer, Thibaut, Twitchell, Underwood, Wickliffe—43 nays.

Mr. Simon Jones recorded his vote upon the motion to reconsider the vote taken upon the adoption of the resolution repealing that of December 17, 1867, relative to the St. Landry Progress:

I vote *no*, because the Convention has passed the resolution against my vote, and I do not feel it my duty to reverse the decision of the Convention.

By Mr. Oliver:

*Resolved*, That the Sergeant-at-Arms be allowed an extra compensation for his services of two hundred dollars, and each assistant Sergeant-at-Arms, the sum of one hundred and fifty dollars; and for which sums, the Warrant Clerk issue warrants to them as provided by the resolutions of this Convention.

Laid on the table.

By Mr. Harper:

*Motion*, That the Warrant Clerk be authorized to issue warrants of \$250 each, to Messrs. G. Krubbe, J. J. Lane and Catlin, for faithful reportorial services rendered to the Convention.

Laid on the table.

By Mr. Newsham:

That each regular attendant of the lobby who has neglected his business in his attendance here, receive as compensation, the *per diem* allowed as member of Convention, and that every other man without money receive any amount of warrants.

The Chair decided the motion to be irrelevant and tending to cast ridicule upon the proceedings of the Convention, and that it should be laid aside.

Mr. R. H. Isabelle moved to amend by adding "and the vendors of ginger-cakes in the lobby."

Laid aside as ridiculous and irrelevant.

By Mr. Ferguson:

*Resolved*, That \$500 be allowed to each member of the lobby for their good behavior.

Laid aside as irrelevant and ridiculous.

By Mr. R. H. Isabelle:

*Resolved*, That the Warrant Clerk of this Convention be and is hereby authorized to issue warrants in sums of \$100 each to Messrs. G. Krubbe, J. J. Lane and G. Catlin, for their impartial reports of proceedings of this Convention.

Mr. Wickliffe moved to amend by adding:

*Resolved*, also, that my old hat and boots

be given to Town Talk, for his efficient services as a *perfect brick*.

Laid aside as ridiculous and irrelevant.

Mr. Crawford moved to amend by adding "to the person who wrote under the *nom de plume* of Town Talk in 1865."

Laid aside as ridiculous and irrelevant.

Mr. Crane was called to the chair.

By Mr. Cooley:

#### ORDINANCE.

*Be it ordained by the Constitutional Convention of the State of Louisiana*, That the collection of the penalty imposed by ordinance of this Convention of date the 4th January, 1868, is hereby extended to the 1st April next—and the same not to be exacted by the different tax collectors of the city of New Orleans, Orleans right bank, and parish of Jefferson, until the said 1st April, 1868.

*It is further ordained*, That the warrants issued by authority of this Convention, for the payment of *per diem* and *mileage* of delegates, and the pay of its officers, except the Official Printer or Printers, shall be receivable in payment of all taxes and licenses due to the State of Louisiana; and when paid in the Treasury of the State on account of any State tax or license, the same shall be placed by the Treasurer of the State to the debit of the Convention "fund" on his books, and shall be paid out of said fund, for the benefit of the general fund of the State.

*Be it further ordained*, That all country members of this Convention, who have caused the warrants issued in their favor to be recorded and registered in the office of the Auditor of Public Accounts, shall cause the said registry to be cancelled, and obtain from said Auditor a certificate to the effect that they have no warrant registered in his office for payment, in order to obtain payment for their *per diem* from the sheriffs of their respective parishes, and without said certificate from the Auditor, it shall not be lawful for the sheriffs of the respective parishes to pay any of their warrants.

Mr. Packard moved to amend by striking out "April 1st," and inserting in lieu thereof "March 20th."

Accepted by the mover.

The ordinance, as amended, was adopted, as follows:

*Be it ordained by the Constitutional Convention of the State of Louisiana*, That collection of the penalty imposed by ordinance of this Convention of date the 4th January, 1868, is hereby extended to the 20th March next—and the same not to be ex-

acted by the different tax collectors of the city of New Orleans, Orleans right bank, and parish of Jefferson, until the said 20th March, 1863.

*It is further ordained,* That the warrants issued by authority of this Convention, for the payment of *per diem* and *mileage* of delegates, and the pay of its officers, except the Official Printer or printers, shall be receivable in payment of all taxes and licenses due to the State of Louisiana; and when paid in the Treasury of the State on account of any State tax or license, the same shall be placed by the Treasurer of the State to the debit of the Convention "fund" on his books, and shall be paid out of said fund, for the benefit of the general fund of the State.

*Be it further ordained,* That all country members to this Convention, who have caused the warrants issued in their favor to be recorded and registered in the office of the Auditor of Public Accounts, shall cause the said registry to be cancelled, and obtain from said Auditor a certificate to the effect that they have no warrant registered in his office for payment, in order to obtain payment for their *per diem* from the sheriffs of their respective parishes, and without said certificate from the Auditor it shall not be lawful for the sheriffs of the respective parishes to pay any of their warrants.

Ayes 46, nays 15, as follows:

Yea: Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Cooley, Crane, Crawford, Dearing, Depasseau, Donato, Douglas, Duparte G., Duplessis, Esnard, Francois, Gardiner, Guichard, Harper, Harrison, Hempstead, Isabelle R. H., Isabelle Thos., Lewis R., Marie, Martin, Massicot, Marris, Myers, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Reese, Riard, Roberts, Rodriguez, Schwab, Thibaut, Twitchell, Valfroit, Waples, Wickliffe, Williams, Wilson—46 yeas.

Nay: Blackburn, Cuney, Demarest, Deslonde P. G., Dupart U., Ferguson, Harris, Lange, Leroy, Meadows, Moses Murrel, Steele, Underwood, Vidal—15 nays.

Mr. William Murrel registered his vote *yes* on the adoption of the Constitution as a whole, because it embodies the highest principles of justice, humanity and equality before the law.

Mr. Brown moved to reconsider the vote just taken.

Mr. Pinchback moved to lay the motion to reconsider on the table.

Adopted.

The Convention, pending the enrolment of the Constitution, adjourned until Thursday at 12 M.

A true copy:

WM. VIGERS, Secretary.

#### SEVENTY-EIGHTH DAY.

NEW ORLEANS, Thursday, March 5, 1868.  
The Convention met pursuant to adjournment and was called to order by the President at 10 A. M.

The roll was called and the following members answered to their names:

President J. G. Taliaferro; Messrs. Antoine, Baker, Burrel, Butler, Cooley, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde J., Duparte G., Dupart U., Duplessis, Francois, Fuller, Ferguson, Guichard, Harris, Harrison, Hempstead, Ingraham, Isabelle T., Jackson, Jones, Kelso, Lange, Lewis R., Marie, Martin, Massicot, Meadows, McLaran, McMillen, Moses, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Poindexter, Pollard, Reagan, Roberts, Rodriguez, Schwab, Snaer, Steele, Twitchell, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—62 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

The President stated, that having been absent from the Convention at the time that the vote was taken upon the adoption of the Constitution as a whole, he now desired to record his vote *yes*, upon its adoption, and the Secretary was ordered to record it accordingly upon the minutes.

President Taliaferro voted *yes*, upon the adoption of the Constitution as a whole.

Mr. Waples called up his motion of March 2, to change the phraseology of article 98.

Mr. Berthonneau moved to lay it on the table.

Lost—aye 26, nays 40—as follows:

Yea: Belden, Berthonneau, Blandin, Bonseigneur, Brown, Butler, Cooley, Crane, Crawford, Demarest, Deslonde P. G., Deslonde J., Douglas, Duparte G., Duplessis, Ferguson, Guichard, Kelso, Massicot, Myers, Pinchback, Pollard, Riggs, Rodriguez, Steele, Williams—26 yeas.

Nay: Antoine, Baker, Blackburn, Burrel, Cromwell, Cuney, Donato, Dupart U., Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Jones,

Landers, Leroy, Lange, Lewis R., Meadows, McLeran, McMillen, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Reagan, Reese, Roberts, Schwab, Snaer, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Wilson—40 nays.

Mr. Waples moved the previous question upon its adoption.

Mr. Cooley raised the point of order, that this motion sought to accomplish indirectly what could not be done directly by a motion of this nature, viz: to alter the substance of an article of the Constitution, under the pretense of changing its phraseology, and that the object sought could only be attained by a motion to repeal or to reconsider, and that therefore the motion for the previous question should not be entertained.

The Chair decided that the point of order was well taken and that the motion was not in order.

Mr. Waples appealed.

The Chair was not sustained.

The motion for the previous question was seconded by a majority of the delegates present.

The question recurring upon the changes in the phraseology of article 98, proposed by Mr. Waples, they were adopted—ayes 37, nays 28—as follows:

Ayes : Antoine, Baker, Blackburn, Burrel, Jos. Deslonde, Francois, Gardiner, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Landers, Leroy, Marie, Meadows, McLeran, Moses, Murrel, Newsham, Packard, Pierce, Pollard, Reagan, Reese, Roberts, Schwab, Twitchell, Underwood, Valfroit, Vidal, Waples, Wickliffe, Williams, Wilson—37 ayes.

Nays : Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, P. G. Deslonde, Douglas, G. Duparte, Duplessis, Fuller, Kelso, Martin, Massicot, McMillen, Mushaway, Myers, Pinchback, Riard, Riggs, Rodriguez, Smith, Tinchant—28 nays.

And the article, as thus amended, reads as follows:

ART. —. The following persons shall be prohibited from voting and from holding any office: All persons who shall have been convicted of treason, perjury, forgery, bribery, or other crime punishable in the

penitentiary, and persons under interdiction.

All persons who are estopped from claiming the right of suffrage by abjuring their allegiance to the United States Government, or by notoriously levying war against it, or adhering to its enemies, giving them aid or comfort, but who have not expatriated themselves, nor have been convicted of any of the crimes mentioned in the first paragraph of this article, are hereby restored to the said right, except the following: Those who have held office, civil or military, for one year or more, under the organization styled "the Confederate States of America;" those who registered themselves as enemies of the United States; those who acted as leaders of guerilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles, or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State. No person included in these exceptions shall either vote or hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it, and he shall file the certificate in the office of the Secretary of State, and it shall be published in the official journal; *Provided*, That no person who prior to the first of January, 1868, favored the execution of the laws of the United States, popularly known as the Reconstruction acts of Congress, and openly and actively assisted the loyal men of the State in their efforts to restore Louisiana to her position in the Union, shall be held to be included among those herein excepted. Registrars of voters shall take the oath of any such person as *prima facie* evidence of the fact that he is entitled to the benefits of this proviso.

Mr. McMillen was called to the chair.

Mr. Cooley moved to repeal section 2 of the ordinance proposed by him March 3, and adopted, reading as follows:

*It is further ordained*, That the warrants issued by authority of this Convention, for the payment of *per diem* and *mileage* of delegates, and the pay of its officers, except the Official Printer or printers, shall be receivable in payment of all taxes and licenses due to the State of Louisiana; and when paid in the Treasury of the State on account of any State tax or license, the same shall be placed by the Treasurer of the State to the debt of the Convention "fund" on his books, and shall be paid out

of said fund, for the benefit of the general fund of the State.

Mr. Bertonneau moved to lay the motion to repeal on the table.

Adopted.

Mr. Jones moved to take from the table Mr. Brown's motion to reconsider the vote upon the adoption of the ordinance offered by Mr. Cooley March 3.

Mr. Blandin moved to indefinitely postpone the motion to take from the table.

The motion to postpone prevailed.

Mr. Crawford moved that when the Convention adjourns to-day, it do adjourn *sine die*.

Mr. Jones moved to lay the motion on the table.

The Chair decided the motion to lay on the table the motion to adjourn *sine die* not in order.

The motion of Mr. Crawford did not prevail.

The following bill, reported by the Committee on Contingent Expenses, was ordered to be paid: Bill of Mr. Joyce for \$24.

Mr. Cooley moved to adopt the following ordinance:

*Be it ordained by the Constitutional Convention of the State of Louisiana,* That a Committee of three members of the Convention be appointed by the President, with power to supervise and direct the collection of the tax levied by ordinance of the 24th December, 1867, and to take all measures necessary to enforce and compel the collection thereof, and, if necessary, to employ counsel to represent the Convention in any court or courts of this State or of the United States, and to warrant upon the Treasurer of the State, payable out of the Convention fund, for fees of counsel, other expenses incurred by them in carrying the object of their appointment, and the *per diem* of said members so appointed as said committee, shall continue as fixed by the rules of the Convention until the first of April, 1868, and shall be payable upon their own warrant.

Mr. Bertonneau moved to amend as follows:

And that said committee be empowered to settle all other accounts of this Convention.

Mr. Packard offered the following as a substitute for the proposed ordinance:

To strike out all after the words "be it ordained," and insert "that the Board of Registration created by ordinance adopted by the Convention February 15, 1868, shall have authority to enforce the collection of the taxes levied by the several ordinances of the Convention, and to perform any and all duties appertaining to the same."

The substitute was adopted.

By Mr. Packard :

*Resolved*, That when we adjourn, it shall be subject to the call of the Board of Registration, appointed by the Convention by virtue of the Ordinance adopted 15th of February, 1868, in case of the non-ratification of the Constitution, or for any course prior or subsequent to election for the ratification of said Constitution.

*Resolved*, That any business which may be left unfinished by the Convention, such as the discharging of clerks, the printing and publication and circulation of the Constitution, etc., etc., the settlement for the official printing, etc., shall be performed by said Board of Registration.

*Resolved*, That said board shall have authority to enforce the collection of the taxes levied by the several ordinances of the Convention, and to perform any and all duties appertaining to the same.

Mr. R. H. Isabelle moved to amend by substituting the following:

*Provided*, That in case this Convention be not re-assembled within twelve months after adjournment as above mentioned, it shall be considered as being adjourned *sine die*.

The amendment, with the consent of the Convention, was accepted by the mover, and was ordered to be incorporated with the original resolution.

Mr. Packard asked and obtained the consent of the Convention to strike out of the resolution proposed by him the abbreviation "etc." wherever it occurs.

Mr. Pinchback moved to lay the resolution of Mr. Packard on the table.

Adopted—ayes 40, nays 17—as follows : Nays: Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Cromwell, De marest, Depasseau, Deslonde P. G., Du parte G., Dupart U., Duplessis, Francois, Gardiner, Kelso, Lange, Martin, Mascot, Meadows, McMillen, Murrel, Mush away, Myers, Pinchback, Poindexter, Reese, Riard, Riggs, Rodriguez, Steele, Tinchant, Valfroit, Vandergriff, Waples, Williams—40 ayes.

Nays: Burrel, Douglas, Harper, Harris, Hempstead, Jackson, Jones, Landers, Leroy, Marie, Newsham, Packard, Pollard, Reagan, Underwood, Vidal, Wilson—17 nays.

Mr. Demarest recorded the following explanation of his vote upon the adoption of the Constitution as a whole:

I vote *yes* for the adoption of the Constitution, with a protest against the disfranchising clause, as the motto of my party is universal suffrage.

A. J. DEMAREST, St. Mary.

Mr. Meadows moved that the Convention do now proceed to the election of the Board of Registrars provided for in the ordinance of the Constitution.

Adopted.

The Convention adjourned until to-morrow at 11 A. M.

A true copy:

WM. VIGERS, Secretary.

#### SEVENTY-NINTH DAY.

NEW ORLEANS, Friday, March 6, 1868. The Convention met pursuant to adjournment, and was called to order by the president at 10 A. M.

The roll was called and the following delegates answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Crane, Crawford, Cromell, Cuney, Dearing, Deslonde P. G., Deslonde Jos., Donato, Duparte G., Duart U., Duplessis, Francois, Fuller, Gardner, Guichard, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Jones, Ielso, Lange, Leroy, Lewis R., Marie, Martin, Massicot, Meadows, McLaran, Ioses, Murrel, Mushaway, Myers, Newnam, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riard, Riggs, Roberts, Rodriguez, Schwab, Steele, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—65 members present.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Crawford:

*Resolved*, That when this Convention doth journ it shall adjourn *sine die*.

Lost.

By Mr. Depasseau:

*Resolved*, That G. L. Montieu be allowed the sum of two hundred and fifty dollars, an extra compensation for his faithful

services as Warrant Clerk of this Convention.

Mr. Isabelle moved to amend by the following substitute:

*Resolved*, That an extra compensation of \$200 each be allowed the Warrant Clerk, and Sergeant-at-Arm, and \$100 each to the Assistant Sergeants-at-Arms of this Convention; Door-keeper \$100.

Adopted.

By Mr. Wickliffe:

*Resolved*, That the Warrant Clerk be, and he is hereby authorized to issue warrants for the sum of one hundred dollars to N. S. Etris, watchman.

Adopted.

By Mr. Reagan:

WHEREAS, Andrew Johnson, President of the United States, by his obstinate and unwarranted policy on reconstruction, has violated every principle of honor, betrayed the confidence of the party which elevated him to the position he occupies, and proved a traitor to his country; therefore

*Resolved*, That we, the people of Louisiana in Constitutional Convention assembled, do hereby endorse the action of the Congress of the United States in its articles of impeachment, and hope it will succeed in preserving inviolate the National Constitution, and remove from office the Chief Executive, who, by his acts of usurpation, has tarnished the character and dignity of the nation.

Mr. Blackburn offered the following as a substitute:

*Resolved*, That the ruling loyal majority in the Congress of the United States, as backed by Gen. Grant and Secretary Stanton, deserve, and will receive the approbation and co-operation of all who wish to see the wheels of Government relieved from clogs of treason.

Mr. Crawford moved to amend the substitute by striking out all after the word “*Resolved*” and inserting, “This Convention will attend to its own proper business and leave Congress to attend to their duties.”

The chair decided that the amendment was not in order.

The substitute of Mr. Blackburn was adopted.

By Mr. Waples:

*Resolved*, That the Convention shall adjourn *sine die* on Saturday, March 7th inst., if not at an earlier day.

Laid on the table.

By Mr. Blackburn:

*Resolved*, That all the members of this Convention, who have refused to vote for the adoption of the Constitution as a whole, be permitted to adjourn *sine die* and go home whenever they feel like it.

The Chair decided that the resolution was not in order.

Mr. Cooley was called to the chair.

Mr. Cromwell offered a resolution in reference to Jefferson Davis.

The Convention ordered the Secretary to return the resolution to the author as being improper in its orthography, style and subject matter, to appear upon the journal of the Convention—ayes 56, nays 5—as follows:

Ayes: Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Burrel, Butler, Cooley, Crane, Cuney, Dearing, Depasseau, Deslonde P. G., Deslonde Jos., Douglas, Duparte G., Dupart U., Duplessis, Ferguson, Gardiner, Harris, Hempstead, Ingraham, Isabelle R. H., Jackson, Jones, Landers, Lange, Leroy, Lewis R., Marie, Martin, Massicot, Meadows, Moses, Mushaway, Newsham, Oliver Packard, Poindexter, Pollard, Reagan, Reese, Riard, Rodriguez, Schwab, Snaer, Steele, Thibaut, Underwood, Valfroit, Wickliffe, Williams, Wilson—56 ayes.

Nays: Crawford, Cromwell, McLeran, Murrel, Waples—5 nays.

Mr. Crawford and Mr. McLeran recorded the following reasons for their vote:

I vote *no*, for the reasons that, in my opinion, returning the paper to the mover is not the proper disposition to make of it, but that it should not have been received or acted on by the Convention.

T. S. CRAWFORD,  
of Caldwell and Ouachita.

I concur with the above.

BENJ. McLERAN.

By Mr. Underwood :

*Resolved*, That the proprietors of the New Orleans Republican be authorized to print ten thousand copies of the Constitution in pamphlet form, at the same rate as is allowed the Official Printer for such work, and that the Warrant Clerk be authorized to issue warrants to the said proprietors of the Republican for the amount thus due, after the said work is accomplished.

Mr. Crane moved to lay the resolution on the table.

Lost—ayes 26, nays 37—as follows:

Yea: Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, Douglas, G. Duparte, Duplessis, R. H. Isabelle, Leroy, R. Lewis, Moses, Mushaway, Myers, Riggs, Rodriguez, Schwab, Thibaut, Tinchant, Williams—26 yeas.

Nays: Antoine, Belden, Blackburn, Burrel, Cromwell, Cuney, P. G. Deslonde, Jos. Deslonde, Ferguson, Gardiner, Harper, Harris, Hempstead, Ingraham, Jackson, Jones, Landers, Lange, Marie, Martin, Massicot, Meadows, McLeran, Murrel, Newsham, Oliver, Packard, Pollard, Reagan, Reese, Riard, Snaer, Steele, Underwood, Valfroit, Waples, Wickliffe—37 nays.

Mr. Lange moved to reconsider the last vote.

Mr. Underwood moved to lay the motion to reconsider on the table.

Lost—ayes 31, nays 34—as follows:

Yea: Antoine, Belden, Blackburn, Burrel, Jos. Deslonde, Harper, Harris, Hempstead, Ingraham, Jones, Kelso, Landers, Leroy, Marie, Massicot, Meadows, Murrel, Myers, Oliver, Packard, Poindexter, Reagan, Reese, Schwab, Snaer, Twitchell, Underwood Valfroit, Vidal, Wickliffe, Wilson—31.

Nays: Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, P. G. Deslonde, Donato, G. Duparte, U. Dupart, Duplessis, Esnard, Fuller, Ferguson, Harrison, R. H. Isabelle, Lange, Richard Lewis, Martin, McLeran, Moses, Mushaway, Riard, Riggs, Rodriguez, Thibaut, Tinchant, Waples, Williams—34.

The motion to reconsider the vote upon laying the resolution on the table was lost.

The question recurred upon the adoption of the resolution.

It was adopted—ayes 37, nays 28—as follows:

Yea: Antoine, Belden, Blackburn, Burrel, Cuney, Deslonde J., Donato, Douglas, Gardiner, Harper, Harris, Hempstead, Ingraham, Jackson, Jones, Kelso, Landers, Marie, Massicot, Meadows, Murrel, Newsham, Oliver, Packard, Poindexter, Reagan, Reese, Schwab, Snaer, Steele, Tinchant, Underwood, Valfroit, Vandergriff, Vidal, Wickliffe, Wilson—37 ayes.

Nays: Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Dearing, Depasseau, Deslonde P. G., Duparte G., Duplessis, Esnard, Ferguson, Isabelle R. H., Lange, Leroy, Lewis R., McLeran, Moses, Mushaway, Riard, Riggs, Rodriguez, Waples, Williams—28 nays.

Mr. Bertonneau recorded the following reasons for his vote:

I vote *no*, because I think it is an act of glaring injustice to the Official Printer, and a useless expense to the State.

ARNOLD BERTONNEAU.

Mr. Tinchant moved to reconsider the last vote.

Mr. Underwood moved to lay the motion to reconsider on the table.

Lost.

Mr. Hempstead moved to adjourn.

Lost.

Mr. Rodriguez was called to the chair.

Mr. Cooley moved the previous question upon the motion to reconsider.

The motion to reconsider prevailed—ayes 38, nays 23—as follows:

Ayes: Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Demarest, Depasseau, Deslonde P. G., Donato, Duparte G., Duplessis, Esnard, Ferguson, Harrison, Isabelle R. H., Lange, Leroy, Meadows, McLeran, McMillen, Moses, Mushaway, Myers, Poindexter, Pollard, Riard, Riggs, Rodriguez, Thibaut, Tinchant, Vandergiff, Waples, Williams—38 ayes.

Nays: Blackburn, Burrel, Cuney, Gardner, Guichard, Harper, Harris, Hempstead, Ingraham, Jones, Marie, Massicot, Murrel, Oliver, Packard, Reagan, Reese, Schwab, Snaer, Twitchell, Underwood, Vidal, Wickliffe—23 nays.

Mr. Cooley moved to lay the resolution of Mr. Underwood upon the table.

Adopted.

Mr. Hempstead moved to take from the table the resolution of Mr. Underwood.

Lost.

By Mr. Depasseau:

*Resolved*, That no member of this Convention who is, or hereafter may be, a candidate for any position whatever, shall be elected as State registrar.

Mr. Cooley moved to amend by adding:

And the fact of his being one of said registrars shall disqualify him from holding any office to be elected by the people at the first election under this Constitution.

The amendment was accepted by the mover.

Mr. Hempstead moved to lay the resolution on the table.

Lost—ayes 23, nays 36—as follows:

Ayes: Belden, Blandin, Burrel, Cromwell, Harper, Harris, Hempstead, Lange, Leroy, R. Lewis, Marie, Massicot, Meadows, McLeran, Murrel, Oliver, Packard, Poindexter, Reagan, Schwab, Twitchell, Underwood, Vidal—23 ayes.

Nays: Bertonneau, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Demarest, Depasseau, P. G. Deslonde, Donato, G. Duparte, Duplessis, Esnard, Ferguson, Gardner, Guichard, Ingraham, R. H. Isabelle, McMillen, Moses, Mushaway, Myers, Pinchback, Pollard, Riard, Riggs, Rodriguez, Snaer, Thibaut, Tinchant, Vandergiff, Waples, Wickliffe, Williams—36 nays.

The resolution, as amended, was adopted.

Mr. Cooley moved that the Convention do now proceed to the election of registrars.

Adopted.

A call of the House was demanded and the following members answered to their names:

Messrs. Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Burrel, Butler, Cooley, Crane, Crawford, Cromwell, Demarest, Depasseau, Donato, G. Duparte, Duplessis, Guichard, Harper, Harris, Ingraham, Kelso, Leroy, Meadows, McMillen, Moses, Murrel, Mushaway, Packard, Pinchback, Reagan, Riard, Rodriguez, Snaer, Thibaut, Tinchant, Waples, Wickliffe, Williams—38 members present.

There being no quorum, the Convention adjourned till Saturday at 10 o'clock A. M.

A true copy :

WM. VIGERS, Secretary.

#### EIGHTIETH DAY.

NEW ORLEANS, Saturday, March 7, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 10 A. M.

The roll was called and the following delegates answered to their names:

J. G. Taliaferro, President; Messrs. Antoine, Baker, Belden, Bertonneau, Blackburn, Blandin, Bonnefoi, Butler, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Esnard, Francois, Fuller, Ferguson, Guichard, Harper, Harris, Harrison, Hempstead, Ingraham, R. H. Isabelle, Thos. Isabelle, Jackson, Jones, Kelso, Landers, Lange, Leroy, R. Lewis, Martin, Meadows, McLeran, McMillen Morris, Moses, Murrel, Mushaway,

Myers, Oliver Packard, Pinchback, Pindexter, Reagan, Reese, Riard, Riggs, Rodriguez, Smith, Snaer, Steele, Thibaut, Underwood, Valfroit, Vandergriff, Vidal, Wickliffe, Williams, Wilson—72 members present.

Prayer by the Rev. Josiah Fisk.

The minutes were read and adopted.

ORIGINAL RESOLUTIONS.

By Mr. Tinchant:

WHEREAS, It has always been customary with all legislative bodies to provide that the chairman of their Committee of Enrollment should receive the same *per diem* that is allowed to their presiding officer; and

WHEREAS, The chairman of the Committee on Enrollment has discharged the onerous and most important duties of his office to the general satisfaction of this Convention; therefore, be it

*Resolved*, That the Hon. J. B. Vandergriff, chairman of the Committee on Enrollment, is hereby declared entitled to the same *per diem* and compensation as has been allowed to the President of this Convention.

Lies over.

By Mr. Crawford: •

*Resolved*, That when the Convention adjourns to-day, it shall stand adjourned *sine die*.

Mr. Wickliffe offered the following substitute:

*Resolved*, That this Convention, when it does adjourn, shall adjourn subject to the call of a quorum of the members; *Provided*, That should the Constitution be ratified, this Convention shall therefore be deemed adjourned *sine die*, but in case the Constitution should not be ratified, then the Convention may be reconvened by said quorum.

Mr. Belden moved to lay the resolution and substitute on the table.

Mr. McMillen raised the point of order that the motion of Mr. Crawford is equivalent to a motion to adjourn, and the motion to lay it on the table cannot be entertained.

The Chair decided that the point of order was not well taken.

Mr. Belden's motion to lay on the table prevailed.

The Committee on Contingent Expenses submitted the following report:

NEW ORLEANS, March 7, 1868.

To the Honorable President and Members of the Louisiana State Constitutional Convention:

GENTLEMEN—Your Committee on Con-

tингent Expenses, having carefully examined the bill of B. Bloomfield & Co., respectfully ask the Convention to approve the same and order warrants to the amount of one hundred and four dollars (\$104) for the payment of the herein attached bill.

Respectfully,

Hy. BONSEIGNEUR,  
Chairman Contingent Expenses Committee.

Which was received and the bill ordered to be paid.

By Mr. Oliver :

*Resolved*, That as soon as the Constitution framed by this Convention is signed, that attested copies of the same be sent to the President of the United States.

*Be it resolved further*, That Mr. Geo. W. Mader, Secretary of the Printing Committee, be appointed special messenger to Washington to deliver the same, and that five hundred dollars be paid him out of the first funds received for account of this Convention in the State Treasury on a warrant, drawn by the Warrant Clerk and signed by the President of this Convention. The said five hundred dollars being compensation in full for his services and expenses to and from Washington City.

Mr. McMillen moved to amend by striking out all after the first resolution, and to amend the first so as to read as follows:

*Resolved*, That as soon as the Constitution framed by the Convention is signed, attested copies of the same be forwarded to the President of the United States, and to the President of the Senate and Speaker of the House of Representatives of Congress, by the President of the Convention.

The amendment was adopted.

The resolution, as above amended, was adopted.

By Mr. Blackburn:

*Resolved*, That the Convention authorize the Committee on Printing to have ten thousand copies of the Constitution printed in pamphlet form by the proprietor of the New Orleans Republican newspaper; *Provided*, Said proprietor will furnish the ten thousand copies for fifteen hundred dollars.

Mr. Crane moved to amend by striking out the word "Republican," and inserting the word "TRIBUNE."

Lost—ayes 22, nays 53—as follows:

Yeas: Bonseigneur, Bonnefoi, Brown, Butler, Crane, Depasseau, G. Duparte, Duplessis, Esnard, Ferguson, R. H. Isabelle, Jackson, Lange, Leroy, R. Lewis, Martin, Moses, Mushaway, Riard Rodriguez, Smith, Tinchant—22.

Nays: Antoine, Baker, Bertonneau, Blackburn, Blandin, Burrel Cooley, Crawford, Cuney, P. G. Deslonde, Jos. Deslonde, Donato, Douglas, U. Dupart, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, Thos. Isabelle, Jones, Kelso, Landers, J. B. Lewis, Marie, Massicot, Meadows, McLeran, McMillen, Morris, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Schwab, Snaer, Thibaut, Underwood, Valfroit, Vandergriff, Vidal, Waples, Wickliffe, Williams, Wilson—53.

Mr. Blackburn's resolution was adopted.

Ayes 44, nays 30, as follows:

Ayes: Antoine, Baker, Blackburn, Brown, Burrel, Crawford, Cuney, P. G. Deslonde, J. Deslonde, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, T. Isabelle, Jackson, Jones, Kelso, Landers, Leroy, J. B. Lewis, Marie, Massicot, Meadows, McLeran, McMillen, Morris, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pollard, Reagan, Reese, Riggs, Schwab, Snaer, Underwood, Vidal, Wickliffe, Wilson—44 ayes.

Nays: Bertonneau, Blandin, Bonseigneur, Bonnefoi, Butler, Cooley, Crane, Depasseau, Donato, Douglas, G. Duparte, U. Dupart, Duplessis, Esnard, Ferguson, R. H. Isabelle, Lange, R. Lewis, Moses, Mushaway, Poindexter, Riard, Rodriguez, Smith, Thibaut, Tinchant, Valfroit, Vandergriff, Waples, Williams—30 nays.

Mr. Crawford moved to reconsider the last vote.

Lost—ayes 28, nays 51—as follows:

Ayes: Bertonneau, Blandin, Bonseigneur, Bonnefoi, Butler, Cooley, Crane, Crawford, Depasseau, Donato, Douglas, Du-parte G., Dupart U., Duplessis, Esnard, Ferguson, Harrison, Isabelle R. H., Lange, Leroy, Lewis J. B., Lewis R., Moses, Mushaway, Riard, Rodriguez, Smith, Tin-chant, Williams—28 ayes.

Nays: Antoine, Baker, Blackburn, Brown, Burrel, Cromwell, Cuney, Deslonde P. G., Deslonde Jos., Gardiner, Guichard, Har-per, Harris, Hempstead, Ingraham, Isabelle Thos., Jackson, Jones, Kelso, Landers, Marie, Martin, Massicot, Meadows, McLeran McMillen, Morris, Murrel, Myers, Newsham, Oliver, Packard, Pierce, Pinchback, Pollard, Reagan, Reese, Riggs, Schwab, Snaer, Thibaut, Underwood, Val-froit, Vandergriff, Vidal Wickliffe, Wilson—51 nays.

Mr. Poindexter recorded the reasons for his vote upon the motion to reconsider the resolution of Mr. Underwood yesterday, as follows:

I record the following reason for my vote: I am opposed to give expense to the State for nothing. I vote *aye*.

Mr. Lange recorded the following reasons for his vote on the adoption of the Constitution:

Mr. President and Members of the Constitutional Convention:

GENTLEMEN—Please to allow me a small space in your official journal to record my vote on the adoption of the Constitution as a whole. I voted *yes*, and shall give my reasons why: Title I, Bill of Rights, secures to every good, honest and loyal citizen of the State of Louisiana the rights of citizenship, follows the free school system, secures to my child and to all children throughout the State their education which their forefathers have been deprived of for two hundred and fifty years, and I shall sign the Constitution without any hesitation.

VICTOR M. LANGE,  
of East Baton Rouge.

By Mr. McMillen:

*Resolved*, That the 10,000 copies ordered above, be printed as soon as possible after the Constitution is signed and be divided equally among the several members of the Convention for distribution.

Adopted.

Mr. Pinchback moved that the Secretary proceed to read the engrossed copy of the Constitution from the desk.

Adopted.

Mr. Wickliffe moved that a committee at large of three members be appointed to compare the other engrossed copies of the Constitution with the one read from the desk. Adopted.

The Chair appointed as the committee Messrs. McMillen, Pinchback and Bertonneau.

Mr. Wickliffe, chairman of the Committee on Revision, submitted the following report:

To the President and Members of the Constitutional Convention:

GENTLEMEN—Your committee, to whom was committed the final revision of the Constitution, and the enrollment of the same, respectfully beg leave to report that they have accomplished the labors imposed upon them, and herewith respectfully submit three copies of the Constitution for the signatures of the members of the Convention.

G. M. WICKLIFFE, Chairman;  
JAMES H. INGRAHAM,  
W. JASPER BLACKBURN.

The report was received, and the committee discharged.

The Secretary proceeded to read from the official copy the Constitution, as adopted.

At the conclusion of the reading, Mr. McMillen, chairman of the Select Committee, rose and reported that the Constitution has been read in the hearing of the Convention, and your committee have carefully compared with it the three copies thereof committed to them, and find them to be correct and complete.

In concluding his report, Mr. McMillen moved to repeal article 99, relating to disfranchisement, and to substitute therefor the article originally adopted by the Convention.

Mr. Underwood moved to lay the motion of Mr. McMillen on the table.

**Lost—ayes 35, nays 35—as follows;**

**Yea:** Baker, Belden, Blackburn, Brown, Burrel, Cromwell, Cuney, P. G. Deslonde, Jos. Deslonde, Gardiner, Guichard, Harper, Hempstead, Ingraham, Jones, Lange, Leroy, Marie, Massicot, Meadows, McLeran, Morris, Moses, Newsham, Oliver, Packard, Poindexter, Pollard, Reagan, Schwab, Underwood, Valfroit, Vidal, Wickliffe, Wilson—35 yeas.

**Nay:** Antoine, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Cooley, Crane, Crawford, Dearing, Demarest, Depasseau, Donato, Douglas, G. Duparte, Duplessis, Esnard, Ferguson, Harrison, R. H. Isabelle, Thos. Isabelle, Kelso, McMillen, Mushaway, Myers, Pinchback, Riard, Riggs, Rodriguez, Smith, Snaer, Thibaut, Tinchant, Vandergriff, Waples, Williams—35 nays.

The motion of Mr. McMillen was lost.  
Ayes 32, nays 41, as follows:

**Yea:** Antoine, Belden, Bertonneau, Blandin, Bonseigneur, Bonnefoi, Cooley, Crane, Crawford, Dearing, Depasseau, Donato, Douglas, G. Duparte, Duplessis, Esnard, Fuller, Ferguson, Harrison, Thos. Isabelle, McLeran, McMillen, Mushaway, Myers, Pinchback, Riard, Rodriguez, Smith, Thibaut, Tinchant, Vandergriff, Williams—32.

**Nay:** Baker, Blackburn, Brown, Burrel, Cromwell, P. G. Deslonde, Jos. Deslonde, U. Dupart, Gardiner, Harper, Harris, Hempstead Ingraham, R. H. Isabelle Jones, Landers, Lange, Leroy, Marie, Massicot, Meadows, Morris, Moses, Murrel, Newsham, Oliver, Packard, Pierce, Poindexter, Pol-

lard, Reagan, Reese, Riggs, Schwab, Snaer, Underwood, Valfroit, Vidal, Waples, Wickliffe, Wilson—41.

Mr. Wickliffe moved that the Convention do now proceed to sign the Constitution.

**Adopted.**

The President directed the roll to be called, which was done, and the delegates, in the order in which their names were read by the Secretary, stepped forward to the President's desk and affixed their signatures to each of the three engrossed copies of the Constitution, except Messrs. Barret, Bernard, Edwards and Ludeling, who were absent, and Messrs. Cooley, Crawford, Dearing, Ferguson and Harrison, who refused to sign it.

When Mr. Barrett's name was called, Mr. Cooley presented the following protest signed by Messrs. Barrett and Ludeling.

Mr. Meadows moved that the Convention refuse to receive the protest and that it be returned to the signers.

The motion was not acted upon.

Mr. Tinchant moved to reject the protest.

**Lost.**

On motion of Mr. Wickliffe the protest was received, and ordered to be spread upon the minutes.

The undersigned, members of the Constitutional Convention of the State of Louisiana, respectfully submit the following as some of the reasons which impel them to refuse to sign the Constitution which the Convention has framed:

1st. Because, in the Bill of Rights, social equality is attempted to be enforced, and the right of citizens to control their own property is attempted to be taken from them for the benefit of the colored race.

2d. Because a judicial system has been adopted which is radically defective, which renders uncertain and insecure the rights to property and the liberties of the people.

3d. Because the proposed Constitution disfranchises a large, influential and intelligent class of citizens of the State. This is impolitic, dangerous and unjust, and is opposed to Republican principles.

4th. Because a system of public education is forced upon the people, whereby the whites, who are to support the schools by taxes levied on their property, will be practically debarred of the advantages of the public schools. Mixed schools will not elevate the negroes, but will debase the

whites. Another effect of this system will be the neglect of the education of the colored children.

5th. The oath of office is inconsistent with the disfranchising clause of the Constitution, and is absurd.

6th. The direct tendency of the Constitution as a whole, is to establish negro supremacy in the State.

The undersigned believe that the adoption of the Constitution will drive many citizens from and will prevent emigration to the State, retard her progress, destroy her internal improvements and blight her prosperity.

They, therefore, respectfully ask that these reasons may be entered upon the journal of the Convention.

Jno. T. LUDELING,  
of Ouachita and Caldwell,  
Jno. L. BARRET,  
of Union.

The following protest by Mr. Baker was ordered to be spread upon the minutes:

The removal of deep-seated prejudices and time-honored civilized customs by mere acts of legislation, is not encouraged by the teachings of history. Bearing this in mind, I must, as a practical man, dissent from some of the provisions of the Constitution as adopted, but I vote for the instrument as a whole, believing that a return to civil rule, even upon a basis that may be temporary, or under an organic law which in some of its provisions may be unjust, is preferable for the people of Louisiana to that further ruin—both moral and political—into which they must soon drift under our present status of anarchy and military despotism.

L. W. BAKER,  
of Bossier.

The following protest of Messrs. Cooley, Harrison, Dearing and Ferguson, was ordered to be spread upon the minutes:

I refuse to sign the Constitution adopted by the Convention for the following reasons :

1. Article 13, of title 1, Bill of Rights, violates the rights of private property; and this, to do that which legislation has always failed to effect, viz: social equality, and a social equality which is abhorrent to all our traditions, and repugnant to the laws of nature.

That this violation of the rights of private property, for the above purpose, was deliberately designed and intended, is evident from the proceedings of the Convention. Article 13 was hurriedly passed under the operation of the previous question, which prevented all amendments, so that a view of testing the sincerity of delegates who

disclaim the intention of forcing social equality, I offered the following proviso to the article, No. 14: "*Provided*, Nothing contained in article 13, shall be construed to give greater rights to any persons of whatever race or color, than are now possessed by persons of the white race."

This proviso was almost unanimously voted down. Thus, the colored delegates declared positively and emphatically, that they were not satisfied for themselves, with the rights now possessed by white men.

This article so subservient of all the rights of property, and designed to force such an unjust and unnatural equality, bears the number thirteen; it is hoped by the undersigned, the usual misfortune which is said to attend that number, may not fail when this Constitution is submitted to the people of Louisiana for ratification.

2. The Governor of the State, under this Constitution, is only required to be twenty-one years of age, and a resident of the State for two years preceding his election. I believe the Chief Magistrate of a great State like Louisiana, should be more than a mere youth; and possess a better knowledge of its laws, traditions and necessities than can be acquired in the space of two years.

3. Contrary to the custom in every State, and therein following the example of the Constitution of 1864, the present Constitution allows the Lieutenant Governor a salary of three thousand dollars per annum for the performance of no other services than those of presiding officer of the Senate for sixty days! This is an unheard of and extravagant waste of the moneys belonging to a people already ruined, and that, merely to gratify a set of vampires on the public treasury.

4. Article 75, in prescribing the qualifications of the judges of the Supreme Court, only requires that the lawyers appointed to that bench, shall have practiced law for three years in the State. It is a notorious fact that our system of laws cannot be mastered in three years; and that in such a short space of time, only a rudimentary knowledge of it can be acquired. This article was adopted with a view of filling our Supreme Bench with lawyers who have only recently been practicing in our State. These latter will be less competent at the end of three years practice with us, than one who began the study of the law with our system, because during those three years they will have two very difficult tasks to perform, to learn a new system and forget an old one. The last bulwark for the security of titles in this State will be a bench totally unfit by

previous education to understand, and consequently expound our laws.

5. The qualification of practice for two years in this State, required for the district judges, by article 84, is not sufficient, and when I reflect that these judges are made elective by the people, who at the best are totally unqualified to appreciate the merits of a lawyer, I cannot help the conviction that such a system with such qualifications required, will overthrow completely the object of a judiciary. In fact, the State will have judges, but not a judiciary.

The Constitution has adopted partially the old probate judge system, simply adding to the jurisdiction of our ancient parish judges, some matters properly belonging to the ordinary civil jurisdiction of courts. But all successions are required to be opened and finally settled in the parish courts. (See Art. 87.) And for a court having to pass upon the most difficult questions under our laws, there relating to matters of successions, the judge is made elective by the people; and he is required to possess no qualification, except that he shall be a citizen of the United States. Even the nominal qualification of "learned in law," was stricken out. And I heard delegates say this was done to enable the freedmen to hold the place of parish judges.

7. Independently of the above specific and detailed objections, I have a general one to the whole judicial system established by this Constitution. I refer to the elective system adopted. The evil effects of that system have been too severely felt by the people of this State, to permit me ever to consent to its re-establishment.

8. Article 99, regulating the exercise of the elective franchise and the right of holding office, is anti-republican, in direct conflict with the principles already established in the title of the "Bill of Rights," and will disfranchise a large class of the people of this State; and that class is composed of the very material which past events have proven to us we must draw from, if we wish competent men to manage the affairs of State. The condition upon which they are offered the exercise of the elective franchise and the capacity to hold office, is unjust, illiberal, ungenerous and humiliating, and unworthy of being considered as emanating from an American head and American heart.

9. The oath of office required by Art. 99 is simply an absurdity—and exhibits in its clearest light, the total incapacity of the members of the Convention to fulfill the mission confided to them. What security will the colored race have in the oath of an office, if the Constitution which he himself has made, does not afford it to them?

10. The system of public education adopted in the Constitution, Art. 134, will defeat the ends proposed by its advocates; besides being unjust to the white people of the State, who will be called upon to pay ninety-nine one-hundredths part of the funds to carry it on. It is also another attempt to establish, by law, the social equality of all classes and color. I believe the system will work irreparable injury to the colored race—because the whites will never mix with them or allow their children to go to the same schools—and without the help of the whites, they cannot establish and carry on a system of public education.

11. Because by Art. 124, abolishing tacit mortgages for the future, as well as those existing in the past, (the latter after a certain time) the Constitution violates the Constitution of the United States which prohibits the divestiture of vested rights and the impairing of obligations. And also, because the same article by requiring that every species of privilege, without any distinction whatever, and of whatever amount shall be registered to be effectual, will cripple and paralyze commercial operations—and thus ruin the commercial industry of the State.

12. Because the schedule reports certain laws—and from these laws certain rights have already accrued to private individuals; which repeal is a violation of the Constitution of the United States.

13. Because the ordinance attached to the Constitution is unjust and unfair—calculated to open every door to fraud and corruption—and merely intended to secure the election of certain parties to office, without consulting the general good.

Generally, I would state, I accepted a position in this body with a view of doing all the good I could for the people of this State, black and white, believing it best to accept the situation as I found it; and believing also, the freedmen of the State could be made to understand their best interests. I have been sadly deceived.

W. H. COOLEY,  
Delegate from Point Coupee and West  
Baton Rouge.

We, the undersigned, concur in the reasons assigned by Judge Cooley, for refusing to sign the Constitution, and adopt them as our reasons for refusing to sign the said Constitution.

GEO. W. DEARING, JR.,  
of Rapides,  
THOS. P. HARRISON,  
G. W. FERGUSON.

Mr. Crane recorded the following explanation of his vote:

My opposition to many parts and articles of this Constitution are indicated by my

votes in the Journal of the Convention, but the good features preponderate over the bad in my opinion, and, therefore, I vote for the adoption of the instrument as a whole, and sign the same.

W. R. CRANE.

The Secretary presented the following authorization from Mr. Gair, who was absent, to sign the Constitution for him, and, with the consent of the Convention, signed it for Mr. Gair:

MECHANICS' INSTITUTE,  
New Orleans, La., Feb. 15, 1868.

I authorize Mr. Wm. Vigers to sign my name to the Constitution, when adopted as a whole.

JOHN GAIR,  
of East Feliciana.

The following protest of Messrs. McMillen, Fuller, Steele, Vandergriff and Lynch was ordered to be spread upon the minutes:

We desire respectfully to protest against the article on disfranchisement as subversive of the principles of true Republican government, but believing that the adoption of the Constitution, defective as it may be in our judgment, is desirable as the speediest and surest method of restoring the State to her place in the Union. We deem it our duty to sign and advocate the adoption of the same.

W. L. McMILLEN,  
H. W. FULLER,  
H. R. STEELE,  
JOHN B. VANDERGRIFF,  
JOHN LYNCH.

The following protest of Messrs. Pinchback, Donato, Blandin and Esnard, was ordered to be spread upon the minutes:

We sign the Constitution with a protest against the 99th article, as we are now, and ever have been, advocates of universal suffrage, it being one of the fundamental principles of the Radical Republican party.

P. B. S. PINCHBACK,  
of Orlens, Second District.  
AUG. DONATO, JR.  
O. C. BLANDIN.  
J. B. ESNARD.

The following protest of Mr. Belden, against the disfranchising clauses of the Constitution, was ordered to be spread upon the minutes:

I am opposed to article ninety-nine, for the reasons assigned heretofore on its adoption.

I am in favor of its repeal, with the hope of being able to reach the guilty, and relieve those who are not guilty, from the effects of this article. Every man in this State knows who is responsible for the de-

vastation, desolation and ruin, that marks the habitations and territory of this and other States of the South. Every man in this State knows the authors of the loss of the lives of so many of the fathers and sons of our country; every man in this State knows the men who clothed the women and children of our once happy land in mourning, for the loss of their fathers and sons. Every man in the State knows the guilty men to be the politicians and office-holders who had the control and management of the Government of Louisiana in 1860 and 1861, and who were in concert with men of like character in other Southern States, and not the men who were driven into the rebellion by the result of the powerful combinations concocted and consummated by these politicians and office-holders. My objection, therefore, to the article is that it has the effect of disfranchising the men who were forcibly driven into the late rebellion, while the men who conspired to destroy the Union (as a general rule) are free from disfranchisement.

S. BELDEN, of Orleans.

The Constitution, reading as follows, was signed in the order and by the members hereafter named:

#### PREAMBLE.

We, the people of Louisiana, in order to establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution.

#### CONSTITUTION.

##### TITLE I—BILL OF RIGHTS.

ARTICLE 1. All men are created free and equal, and have certain inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

ART. 2. All person, without regard to race, color, or previous condition, born or naturalized in the United States, and subject to the jurisdiction thereof, and residents of this State for one year, are citizens of this State. The citizens of this State owe allegiance to the United States; and this allegiance is paramount to all which they owe to the State. They shall enjoy the same civil, political and public rights and

privileges, and be subject to the same law, and justice administered without denial or unreasonable delay.

ART. 3. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

ART. 4. The press shall be free; every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of this liberty.

ART. 5. The right of the people peaceably to assemble and petition the Government, or any department thereof, shall never be abridged.

ART. 6. Prosecutions shall be by indictment or information. The accused shall be entitled to a speedy public trial by an impartial jury of the parish in which the offense was committed, unless the venue be changed. He shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor. He shall not be tried twice for the same offense.

ART. 7. All persons shall be bailable by sufficient securities, unless for capital offenses where the proof is evident, or the presumption great, or unless after conviction, for any crime or offense punishable with death or imprisonment at hard labor. The privilege of the writ of *habeas corpus* shall not be suspended.

ART. 8. Excessive bail shall not be required; excessive fines shall not be imposed; nor cruel, or unusual punishments inflicted.

ART. 9. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, or the person or things to be seized.

ART. 10. All courts shall be open; and every person, for injury done him in his land, goods, person or reputation, shall have adequate remedy by due process of

law, and justice administered without denial or unreasonable delay.

ART. 11. No law shall be passed fixing the price of manual labor.

ART. 12. Every person has the natural right to worship God according to the dictates of his conscience. No religious test shall be required as a qualification for office.

ART. 13. All persons shall enjoy equal rights and privileges upon any conveyance of a public character; and all places of business, or of public resort, or for which a license is required by either State, parish or municipal authority, shall be deemed places of a public character, and shall be opened to the accommodation and patronage of all persons, without distinction or discrimination on account of race or color.

ART. 14. The rights enumerated in this title shall not be construed to limit or abridge other rights of the people not herein expressed.

#### TITLE II—LEGISLATIVE DEPARTMENT.

ART. 15. The legislative power of the State shall be vested in two distinct branches; the one to be styled the House of Representatives, the other the Senate, and both the General Assembly of the State of Louisiana.

ART. 16. The members of the House of Representatives shall continue in office for two years from the day of the closing of the general elections.

ART. 17. Representatives shall be chosen on the first Monday in November every two years, and the election shall be completed in one day. The General Assembly shall meet annually on the first Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 18. Every elector under this Constitution shall be eligible to a seat in the House of Representatives; and every elector who has reached the age of twenty-five years, shall be eligible to the Senate; *Provided*, that no person shall be a Representative or Senator unless at the time of his election he be a qualified elector of the representative or senatorial district from which he is elected.

ART. 19. Elections for members of the General Assembly shall be held at the several election precincts established by law.

ART. 20. Representation in the House of Representatives shall be equal and uniform; and after the first General Assembly elected under this Constitution, shall be ascertained and regulated by the total population, each parish in the State being entitled to at least one representative. A census of the State by State authority shall be taken in the year eighteen hundred and seventy-five, and every ten years thereafter. In case of informality, omission, or error in the census returns from any parish or election district, the General Assembly may order a new census taken in such parish or election district; but until the State census of eighteen hundred and seventy-five, the apportionment of the State shall be made on the basis of the census of the United States for the year eighteen hundred and seventy.

ART. 21. The General Assembly, at the first session after the making of each enumeration, shall apportion the representation amongst the several parishes and representative districts, on the basis of the total population, as aforesaid. A representative number shall be fixed, and each parish and representative district shall have as many representatives as the number of its total population will entitle it to have; and an additional representative for any fraction exceeding one-half of the representative number. The number of representatives shall never exceed one hundred and twenty, nor be less than ninety.

ART. 22. Until an apportionment shall be made in accordance with the provisions of article twenty, the representation in the Senate and House of Representatives shall be as follows:

For the parish of Orleans:

First Representative District.....	two
Second     "     "     "     three	
Third     "     "     "     four	
Fourth    "     "     "     two	
Fifth     "     "     "     two	
Sixth     "     "     "     one	
Seventh   "     "     "     two	
Eighth    "     "     "     one	
Ninth     "     "     "     two	
Tenth    "     "     "     three	

Orleans, right bank.....	one
Ascension.....	two
Assumption.....	two
Avoyelles.....	two
Baton Rouge, East.....	three
Baton Rouge, West.....	one
Bienvenue.....	one
Bossier.....	two
Caddo.....	three
Calcasieu.....	one
Caldwell.....	one
Carroll.....	two
Catahoula.....	one
Clairborne.....	two
Concordia.....	two
De Soto.....	two
Feliciana, East.....	two
Feliciana, West.....	one
Franklin.....	one
Iberia.....	two
Jackson.....	one
Jefferson.....	four
Lafayette.....	one
Lafourche.....	two
Livingston.....	one
Madison.....	one
Morehouse.....	one
Natchitoches.....	two
Ouachita.....	two
Plaquemines.....	one
Point Coupee.....	two
Rapides.....	three
Sabine.....	one
St. Bernard.....	one
St. Charles.....	one
St. Helena.....	one
St. James.....	two
St. John Baptist.....	one
St. Landry.....	four
St. Martin.....	two
St. Mary.....	two
St. Tammany.....	one
Tensas.....	two
Terrebonne.....	two
Union.....	one
Vermillion.....	one
Washington.....	one
Winn.....	one

Total.....One hundred and one.

And the State shall be divided into the following senatorial districts, to wit:

The First, Second and Third Representative Districts of New Orleans shall form one senatorial district, and elect three Senators.

The Fourth, Fifth and Sixth Representative districts of New Orleans shall form one district, and elect two Senators.

The Seventh, Eighth and Ninth Representative Districts of New Orleans and the

parish of St. Bernard shall form one district, and elect two Senators.

The Tenth Representative District of New Orleans shall form one district, and elect one Senator.

Orleans, right bank, and the parish of Plaquemines shall form one district, and elect one Senator.

The parishes of Jefferson, St. Charles and St. John Baptist shall form one district, and elect two Senators.

The parishes of Ascension and St. James shall form one district, and elect one Senator.

The parishes of Assumption, Lafourche and Terrebonne shall form one district, and elect two Senators.

The parishes of Vermillion and St. Mary shall form one district, and elect one Senator.

The parishes of Calcasieu, Lafayette and St. Landry shall form one district, and elect two Senators.

The parishes of Livingston, St. Helena, Washington and St. Tammany shall form one district, and elect one Senator.

The parishes of Point Coupee, East Feliciana and West Feliciana shall form one district, and elect two Senators.

The parish of East Baton Rouge shall form one district, and elect one Senator.

The parishes of West Baton Rouge, Iberville and St. Martin shall form one district, and elect two Senators.

The parishes of Concordia and Avoyelles shall form one district, and elect one Senator.

The parishes of Tensas and Franklin shall form one district and elect one Senator.

The parishes of Carroll, Madison and Morehouse shall form one district, and elect two Senators.

The parishes of Ouachita and Caldwell shall form one district, and elect one Senator.

The parishes of Jackson and Union shall form one district, and elect one Senator.

The parishes of Bossier, Bienville and Claiborne shall form one district, and elect two Senators.

The parish of Caddo shall form one district, and elect one Senator.

The parishes of DeSoto, Natchitoches and Sabine shall form one district, and elect two Senators.

The parish of Rapides shall form one district, and elect one Senator.

The parishes of Catahoula and Winn shall form one district, and elect one Senator.

Thirty-six Senators in all.

ART. 23. The House of Representatives shall choose its Speaker and other officers.

ART. 24. Electors, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during their attendance on, going to and returning from elections.

ART. 25. At its first session under this Constitution, the General Assembly shall provide by law that the names and residence of all qualified electors shall be registered, in order to entitle them to vote, but the registry shall be free of cost to the elector.

ART. 26. No person shall be entitled to vote at any election held in this State, except in the parish of his residence and at the election precinct in which he is registered; *Provided*, That no voter in removing from one parish to another, shall lose the right to vote in the former until he has acquired it in the latter.

ART. 27. The members of the Senate shall be elected for the term of four years; and when assembled, the Senate shall have power to choose its own officers, except as hereinafter provided.

ART. 28. The General Assembly shall divide the State into senatorial districts whenever it apportions representation in the House of Representatives.

ART. 29. No parish shall be divided in the formation of a senatorial district, the parish of Orleans excepted; and whenever a new parish shall be created, it shall be attached to the senatorial district from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly; but shall not be attached to more than one district. The

number of Senators shall be thirty-six; and they shall be apportioned among the senatorial districts according to the total population of said districts.

ART. 30. In all apportionments of the Senate, the total population of the State shall be divided by the number thirty-six, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator.

Single or contiguous parishes shall be formed into districts having a population the nearest possible to the number entitling a district to a Senator; and if the apportionment to make a parish or district fall short of, or exceed the ratio, then a district may be formed, having not more than two Senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made, as directed in the twentieth article, the General Assembly shall not pass any law till an apportionment of representation in both Houses of the General Assembly be made.

ART. 31. At the first session of the General Assembly after this Constitution goes into effect, the Senators shall be divided equally by lot into two classes; the seats of the Senators of the first class to be vacated at the expiration of the term of the first House of Representatives; those of the second class at the expiration of the term of the second House of Representatives; so that one-half shall be chosen every two years successively. When a district shall have elected two Senators, their respective terms of office shall be determined by lot between themselves.

ART. 32. The first election for Senators shall be held at the same time with the election for representatives; and thereafter there shall be elections of Senators at the same time with each general election of representatives, to fill the places of those Senators whose term of office may have expired.

ART. 33. Not less than a majority of the members of each House of the General

Assembly shall form a quorum to transact business; but a smaller number may adjourn from day to day, and shall have full power to compel the attendance of absent members.

ART. 34. Each House of the General Assembly shall judge of the qualifications, election, and returns of its members, but a contested election shall be determined in such manner as may be prescribed by law.

ART. 35. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly conduct, and with a concurrence of two-thirds, expel a member, but not a second time for the same offense.

ART. 36. Each House of the General Assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question, at the desire of any two of them, shall be entered on the journal.

ART. 37. Each House may punish by imprisonment any person not a member for disrespect and disorderly behavior in its presence, or for obstructing any of its proceedings; such imprisonment shall not exceed ten days for any one offense.

ART. 38. Neither House shall adjourn for more than three days, nor to any other place than that in which it may be sitting, during the sessions of the General Assembly, without the consent of the other.

ART. 39. The members of the General Assembly shall receive from the public Treasury a compensation for their services, which shall be eight dollars per day during their attendance, going to and returning from the sessions of their respective Houses. This compensation may be increased or diminished by law, but no alteration shall take effect during the period of service of the members of the House of Representatives by which such alteration shall have been made. No session shall extend beyond the period of sixty days, to date from its commencement; and any legislative action had after the expiration of said period of sixty days shall be null and void; but the first General Assembly that shall convene after the adoption of this Constitution, may

continue in session for one hundred and twenty days.'

ART. 40. The members of the General Assembly, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same; and for any speech or debate in either House shall not be questioned in any other place.

ART. 41. No Senator or Representative during the term for which he was elected, nor for one year thereafter, shall be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during the time such Senator or Representative was in office.

ART. 42. No bill shall have the force of a law, until on three several days it be read in each House of the General Assembly, and free discussion allowed thereon; unless four-fifths of the House where the bill is pending, may deem it expedient to dispense with this rule.

ART. 43. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills; *Provided*, It shall not introduce any matter under the color of an amendment, which does not relate to raising revenue.

ART. 44. The General Assembly shall regulate by whom, and in what manner, writs of election shall be issued to fill the vacancies which may occur in either branch thereof.

ART. 45. On the confirmation or rejection of the officers to be appointed by the Governor with the advice and consent of the Senate, the vote shall be taken by yeas and nays; and the names of the Senators voting for and against the appointments respectively, shall be entered on the journals to be kept for the purpose, and made public on or before the end of each session.

ART. 46. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

ART. 47. In the year in which a regular election for a Senator of the United States

is to take place, the members of the General Assembly shall meet in the Hall of the House of Representatives on the second Monday following the meeting of the General Assembly and proceed to said election.

### TITLE III—EXECUTIVE DEPARTMENT.

ART. 48. The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and together with the Lieutenant Governor, chosen for the same term, be elected as follows: The qualified electors for representatives shall vote for Governor and Lieutenant Governor at the time and place of voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives on the second day of the session of the General Assembly then to be holden. The members of the General Assembly shall meet in the House of Representatives to examine and count the votes.

The person having the greatest number of votes for Governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes polled for Lieutenant Governor shall be Lieutenant Governor; but in case of a tie vote between two or more candidates, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

ART. 49. No person shall be eligible to the office of Governor or Lieutenant Governor, who is not a citizen of the United States, and a resident of this State two years next preceding his election.

ART. 50. The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 51. The Governor shall enter on the discharge of his duties on the second Monday in January next ensuing his election, and shall continue in office until the Mon-

day next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by the Constitution.

ART. 52. No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of Governor or Lieutenant Governor.

ART. 53. In case of impeachment of the Governor, his removal from office, death, refusal or inability to qualify, or to discharge the powers and duties of his office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted, or the disability be removed. The General Assembly may provide by law for the case of removal, impeachment, death, resignation, disability or refusal to qualify, of both the Governor and the Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, or for the remainder of the term.

ART. 54. The Lieutenant Governor or officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

ART. 55. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall only vote when the Senate is equally divided. Whenever he shall administer the government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

ART. 56. The Governor shall receive a salary of eight thousand dollars per annum, payable quarterly, on his own warrant.

ART. 57. The Lieutenant Governor shall receive a salary of three thousand dollars per annum, payable quarterly upon his own warrant.

ART. 58. The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment, shall, with the consent of the Senate,

have power to grant pardons, remit fines and forfeitures, after conviction. In cases of treason, he may grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested. In cases when the punishment is not imprisonment at hard labor, the party upon being reprieved by the Governor, shall be released if in actual custody, until final action by the Senate.

ART. 59. He shall be Commander-in-Chief of the Militia of this State, except when they shall be called into the service of the United States.

ART. 60. He shall nominate, and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by the Constitution, and whose appointments are not herein otherwise provided for; *Provided*, however, that the General Assembly shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 61. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session thereof, unless otherwise provided for in this Constitution; but no person who has been nominated for office and rejected by the Senate, shall be appointed to the same office, during the recess of the Senate.

ART. 62. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

ART. 63. He shall, from time to time, give the General Assembly information respecting the situation of the State, and recommend to their consideration such measures as he may deem expedient.

ART. 64. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two Houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 65 He shall take care that the laws be faithfully executed.

ART. 66. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it; if he do not he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members present in that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present in that House, it shall be a law. But in such cases the vote of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return, in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

ART. 67. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or, being disapproved shall be repassed by two-thirds of the members present.

ART. 68. There shall be a Secretary of State, who shall hold his office during the term for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary, shall attest them; he shall, when required, lay the said register and all papers, minutes and vouchers relative to his office, before either House of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 69. There shall be a Treasurer of the State, and an Auditor of Public Accounts, who shall hold their respective offices during the term of four years. At the first election under this Constitution, the Treasurer shall be elected for two years.

ART. 70. The Secretary of State, Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, and in case of any vacancy caused by the resignation, death or absence of the Secretary, Treasurer or Auditor, the Governor shall order an election to fill said vacancies; *Provided*, The unexpired term to be filled be more than twelve months; when otherwise, the Governor shall appoint a person to perform the duties of the office thus vacant until the ensuing general election.

ART. 71. The Treasurer and the Auditor shall receive a salary of five thousand dollars per annum, each. The Secretary of State shall receive a salary of three thousand dollars per annum.

ART. 72. All commissions shall be in the name and by the authority of the State of Louisiana; and shall be sealed with the State seal, signed by the Governor, and countersigned by the Secretary of State.

#### TITLE IV—JUDICIARY DEPARTMENT.

ART. 73. The judicial power shall be vested in a Supreme Court, in district courts, in parish courts, and in justices of the peace.

ART. 74. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed five hundred dollars; and to all cases in which the constitutionality or legality of any tax, toll, or impost of any kind or nature whatsoever, or any fine, forfeiture, or penalty imposed by a municipal corporation shall be in contestation, whatever may be the amount thereof; and in such cases the appeal shall be direct from the court in which the case originated to the Supreme Court; and in criminal cases, on questions of law only, whenever the punishment of death, or imprisonment at hard labor, or a fine exceed-

ing three hundred dollars is actually imposed.

ART. 75. The Supreme Court shall be composed of one chief justice and four associate justices, a majority of whom shall constitute a quorum. The chief justice shall receive a salary of seven thousand five hundred dollars, and each of the associate justices a salary of seven thousand dollars annually, payable quarterly on their own warrants. The chief justice and the associate justices shall be appointed by the Governor, with the advice and consent of the Senate, for the term of eight years. They shall be citizens of the United States, and shall have practiced law for five years, the last three thereof next preceding their appointment in the State. The court shall appoint its own clerks, and may remove them at pleasure.

ART. 76. The Supreme Court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of May. The General Assembly shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 77. The Supreme Court, and each of the judges thereof, shall have power to issue writs of *habeas corpus* at the instance of persons in actual custody in cases when they may have appellate jurisdiction.

ART. 78. No judgment shall be rendered by the Supreme Court without a concurrence of a majority composing the Court. Whenever the majority can not concur in consequence of the recusation of any member of the Court, the judges not recused shall have power to call upon any judge or judges of the district courts, whose duty it shall be when so called upon to preside in the place of the judge or judges recused, and to aid in determining the case.

ART. 79. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude "against the peace and dignity of the same."

ART. 80. The judges of all courts, whenever practicable, shall refer to the law in virtue of which every definitive judgment is rendered; but in all cases they shall adduce the reasons on which their judgment is founded.

ART. 81. The judges of all courts shall be liable to impeachment for crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them on the address of two-thirds of the members elected to each House of the General Assembly. In every such case the cause or causes for which such removal may be required shall be stated at length in the address, and inserted in the journal of each House.

ART. 82. No duties or functions shall ever be attached by law to the Supreme and district courts, or the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duties performed by them.

ART. 83. The General Assembly shall divide the State into Judicial Districts, which shall remain unchanged for four years, and for each District Court, one Judge, learned in the law, shall be elected for each district by a plurality of the qualified electors thereof. For each district there shall be one District Court, except in the parish of Orleans, in which the General Assembly may establish as many District Courts as the public interests may require. Until otherwise provided, there shall be seven District Courts for the parish of Orleans, with the following original jurisdiction: the first, exclusive criminal jurisdiction; the second, exclusive probate jurisdiction; the third, exclusive jurisdiction of appeals from justices of the peace; the fourth, fifth, sixth and seventh District Courts, exclusive jurisdiction in all civil cases, except probate, when the sum in contest is above one hundred dollars, exclusive of interest. These seven courts shall also have such further jurisdiction, not inconsistent herewith, as shall be conferred by law.

The number of districts in the State shall not be less than twelve nor more than twenty. The clerks of the District Courts shall

be elected by the qualified electors of their respective parishes, and shall hold their office for four years.

ART. 84. Each of said Judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than five thousand dollars. He must be a citizen of the United States, over the age of twenty-five years, and have resided in the State and practiced law therein for the space of two years, next preceding his election. The Judges of the district courts shall hold their office for the term of four years.

ART. 85. The District Courts shall have original jurisdiction in all civil cases, when the amount in dispute exceeds five hundred dollars, exclusive of interest. In criminal cases their jurisdiction shall be unlimited. They shall have appellate jurisdiction in civil ordinary suits, when the amount in dispute exceeds one hundred dollars, exclusive of interest.

ART. 86. For each parish court, one Judge shall be elected by the qualified electors of the parish. He shall hold his office for the term of two years. He shall receive a salary and fees, to be provided by law. Until otherwise provided, each parish Judge shall receive a salary of one thousand two hundred dollars per annum, and such fees as are established by law for clerks of District Courts. He shall be a citizen of the United States, and of this State.

ART. 87. The Parish Courts shall have concurrent jurisdiction with the justices of the peace, in all cases when the amount in controversy is more than twenty-five dollars, and less than one hundred dollars, exclusive of interest. They shall have exclusive original jurisdiction, in ordinary suits, in all cases when the amount in dispute exceeds one hundred dollars and does not exceed five hundred dollars, subject to an appeal to the District Court, in all cases, when the amount in contestation exceeds one hundred dollars, exclusive of interest. All successions shall be opened and settled in the Parish Courts; and all suits in which a succession is either plaintiff or de-

fendant, may be brought either in the Parish or District Court, according to the amount involved. In criminal matters, the Parish Courts shall have jurisdiction in all cases when the penalty is not necessarily imprisonment at hard labor or death, and when the accused shall waive trial by jury. They shall also have the power of committing magistrates and such other jurisdiction as may be conferred on them by law. There shall be no trial by jury before the Parish Courts.

ART. 88. In all probate matters when the amount in dispute shall exceed five hundred dollars, exclusive of interest, the appeal shall be directly from the parish to the Supreme Court.

ART. 89. The justices of the peace shall be elected by the electors of each parish, in the manner to be provided by the General Assembly. They shall hold office for the term of two years and their compensation shall be fixed by law. Their jurisdiction in civil cases, shall not exceed one hundred dollars, exclusive of interest, subject to an appeal to the parish court, in all cases when the amount in dispute shall exceed ten dollars, exclusive of interest. They shall have such criminal jurisdiction as shall be provided by law.

ART. 90. In any case when the judge may be recused, and when he is not personally interested in the matters in contestation, he shall select a lawyer having the qualifications required for a judge of his court to try such cases. And when the judge is personally interested in the suit, he shall call upon the parish or district judge, as the case may be, to try the case.

ART. 91. The General Assembly shall have power to vest in the parish judges the right to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the power thus granted shall be specified and determined.

ART. 92. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large. He shall receive a salary of five thousand dollars per annum, payable quarterly on his own warrant, and shall

hold his office for four years. There shall be a District Attorney for each judicial district of the State, who shall be elected by the qualified electors of the judicial district. He shall receive a salary of fifteen hundred dollars, payable quarterly on his own warrant, and shall hold his office for four years.

ART. 93. There shall be a Sheriff and Coroner elected by the qualified electors of each parish, except the parish of Orleans. In the parish of Orleans, there shall be elected by the qualified electors of the parish at large, one Sheriff for the Criminal Court, who shall be the executive officer of said court and shall have charge of the parish prison. There shall also be elected by the qualified electors of the parish at large, one Sheriff who shall be the executive officer of the Civil Courts, and who shall perform all other duties heretofore devolving upon the sheriff of the parish of Orleans, except those herein delegated to the sheriff of the Criminal Court. The qualified electors of the city of New Orleans, residing below the middle of Canal street, shall elect one Coroner for that district, and the qualified electors of the city of New Orleans, residing above the middle of Canal street, together with those residing in that part of the parish known as Orleans Right Bank, shall elect one Coroner for that district. All of said officers shall hold their office for two years, and receive such fees of office as may be prescribed by law.

ART. 94. No judicial powers, except as committing magistrates, in criminal cases, shall be conferred on any officers other than those mentioned in this title; except such as may be necessary in towns and cities; and the judicial powers of such officers shall not extend further than the cognizance of cases arising under the police regulations of towns and cities in the State. In any case where such officers shall assume jurisdiction over other matters than those which may arise under police regulations, or under their jurisdiction, as committing magistrates, they shall be liable to an action of damages in favor of the party injured, or his heirs; and a verdict in favor of the

party injured shall, *ipso facto*, operate a vacation of the office of said officer.

#### TITLE V.—IMPEACHMENT.

ART. 95. The power of impeachment shall be vested in the House of Representatives.

ART. 96. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, State Treasurer, Superintendent of Public Education, and of the Judges of the Inferior Courts, Justices of the Peace excepted, shall be tried by the Senate; the Chief Justice of the Supreme Court, or the senior associate Judge thereof, shall preside during the trial of such impeachments. Impeachments of the judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

ART. 97. Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit in the State; but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

#### TITLE VI—GENERAL PROVISIONS.

ART. 98. Every male person, of the age of twenty-one years or upwards, born or naturalized in the United States, and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last ten days within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this Constitution, and persons under interdiction.

ART. 99. The following persons shall be prohibited from voting and from holding any office: All persons who shall have been convicted of treason, perjury, forgery, bribery or other crime punishable in the penitentiary, and persons under interdiction.

All persons who are estopped from claiming the right of suffrage by abjuring their allegiance to the United States Government, or by notoriously levying war against

it, or adhering to its enemies, giving them aid or comfort, but who have not expatriated themselves, nor have been convicted of any of the crimes mentioned in the first paragraph of this article, are hereby restored to the said right, except the following: Those who held office, civil or military, for one year or more, under the organization styled "the Confederate States of America;" those who registered themselves as enemies of the United States; those who acted as leaders of guerilla bands during the late rebellion; those who, in the advocacy of treason, wrote or published newspaper articles or preached sermons during the late rebellion; and those who voted for and signed an ordinance of secession in any State. No person included in these exceptions shall either vote or hold office until he shall have relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it; and he shall file the certificate in the office of the Secretary of State, and it shall be published in the official journal; *Provided*, That no person who prior to the first of January, eighteen hundred and sixty-eight, favored the execution of the laws of the United States popularly known as the Reconstruction Acts of Congress, and openly and actively assisted the loyal men of the State in their efforts to restore Louisiana to her position in the Union, shall be held to be included among those herein excepted. Registrars of voters shall take the oath of any such person as *prima facie* evidence of the fact that he is entitled to the benefits of this proviso.

ART. 100. Members of the General Assembly, and all other officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (A. B.) do solemnly swear (or affirm) that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race, color or previous condition, of any political or civil right, privilege or immunity enjoyed

by any other class of men. That I will support the Constitution and Laws of the United States, and the Constitution and Laws of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as —, according to the best of my ability and understanding. So help me God."

ART. 101. Treason against the State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

ART. 102. All penalties shall be proportioned to the nature of the offense.

ART. 103. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult, or other improper practice.

ART. 104. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law. A statement and account of receipts and expenditures of all public moneys shall be made annually, in such manner as shall be prescribed by law; and the first General Assembly convening under this Constitution shall make a special appropriation to liquidate whatever portion of the debt of this Convention may at that time remain unpaid or unprovided for.

ART. 105. All civil officers of the State at large shall be voters of, and reside within the State; and all district or parish officers shall reside within their respective districts or parishes, and shall keep their offices at such place therein as may be required by law.

ART. 106. All civil officers shall be removable by an address of two-thirds of the members elect to each House of the General Assembly, except those whose removal is otherwise provided for by this Constitution.

ART. 107. In all elections by the people the vote shall be taken by ballot; and in all elections by the Senate and House of Re-

presentatives, jointly or separately, the vote shall be given *viva voce*.

ART. 108. None but citizens of the United States and of this State shall be appointed to any office of trust or profit in this State.

ART. 109. The laws, public records, and the judicial and legislative proceedings of the State shall be promulgated, and preserved in the English language; and no law shall require judicial process to be issued in any other than the English language.

ART. 110. No *ex post facto* or retroactive law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility, and for adequate compensation made.

ART. 111. Whenever the General Assembly shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, it shall in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due, and the said law shall be irrepealable until principal and interest be fully paid, or unless the repealing law contain some adequate provision for the payment of the principal and interest of the debt.

ART. 112. The General Assembly shall provide by law for all change of venue in civil and criminal cases.

ART. 113. The General Assembly may enact general laws regulating the adoption of children, emancipation of minors and the granting of divorces; but no special law shall be passed relating to particular or individual cases.

ART. 114. Every law shall express its object or objects in its title.

ART. 115. No law shall be revived or amended by reference to its title; but in such case the revived or amended section shall be re-enacted and published at length.

ART. 116. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall specify the several provisions of the law it may enact.

ART. 117. No person shall hold or exercise, at the same time, more than one office of trust or profit, except that of justice of the peace or notary public.

ART. 118. Taxation shall be equal and uniform throughout the State; all property shall be taxed in proportion to its value, to be ascertained as directed by law; the General Assembly shall have power to exempt from taxation property actually used for church, school or charitable purposes. The General Assembly may levy an income tax upon all persons pursuing any occupation, trade or calling. And all such persons shall obtain a license, as provided by law. All tax on income shall be *pro rata* on the amount of income, or business done. And all deeds of sale made or that may be made by collectors of taxes, shall be received by courts in evidence as *prima facie* valid sales. The General Assembly shall levy a poll tax on all male inhabitants of this State, over twenty-one years old, for school and charitable purposes, which tax shall never exceed one dollar and fifty cents per annum.

ART. 119. No liability, either State, parochial or municipal, shall exist for any debts contracted for, or in the interest of the rebellion against the United States Government.

ART. 120. The General Assembly may determine the mode of filling vacancies in all offices for which provision is not made in this Constitution.

ART. 121. The General Assembly shall pass no law requiring a property qualification for office.

ART. 122. All officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office; except in cases of impeachment or suspension.

ART. 123. The General Assembly shall provide for the protection of the rights of married women to their dotal and paraphernal property and for the registration of the same; but no mortgage or privilege shall hereafter affect third parties unless recorded in the parish where the property to be affected is situated. The tacit mortgages and privileges now existing in this State

shall cease to have effect against third persons after the first day of January, eighteen hundred and seventy, unless duly recorded. The General Assembly shall provide by law for the registration of all mortgages and privileges.

ART. 124. The General Assembly, at its first session under this Constitution, shall provide an annual pension for the veterans of 1814 and 1815, residing in the State.

ART. 125. The military shall be in subordination to the civil power.

ART. 126. It shall be the duty of the General Assembly to make it obligatory upon each parish to support all paupers residing within its limits.

ART. 127. All agreements, the consideration of which was Confederate money, notes or bonds, are null and void; and shall not be enforced by the courts of this State.

ART. 128. Contracts for the sale of persons are null and void; and shall not be enforced by the courts of this State.

ART. 129. The State of Louisiana shall never assume, nor pay any debt or obligation contracted, or incurred in aid of the rebellion; nor shall this State ever in any manner claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever.

ART. 130. All contracts made and entered into under the pretended authority of any governments heretofore existing in this State, by which children were bound out without the knowledge or consent of their parents, are hereby declared null and void; nor shall any child be bound out to any one for any term of years, while either one of its parents live, without the consent of such parent, except in cases of children legally sent to the House of Correction.

ART. 131. The seat of government shall be established at the city of New Orleans, and shall not be removed without the consent of two-thirds of the members of both Houses of the General Assembly.

ART. 132. All lands sold in pursuance of decrees of courts shall be divided into tracts of from ten to fifty acres.

ART. 133. No judicial powers shall be exercised by clerks of courts.

ART. 134. No soldier, sailor or marine in the military or naval service of the United States, shall hereafter acquire a residence in this State by reason of being stationed or doing duty in the same.

#### TITLE VII—PUBLIC EDUCATION.

ART. 135. The General Assembly shall establish at least one free public school in every parish throughout the State, and shall provide for its support by taxation or otherwise. All children of this State, between the ages of six (6) and twenty-one (21) shall be admitted to the public schools or other institutions of learning sustained or established by the State, in common, without distinction of race, color or previous condition. There shall be no separate schools or institutions of learning established exclusively for any race by the State of Louisiana.

ART. 136. No municipal corporation shall make any rules or regulations contrary to the spirit and intention of article one hundred and thirty-five (135).

ART. 137. There shall be elected by the qualified voters of this State a Superintendent of Public Education, who shall hold his office for four years. His duties shall be prescribed by law and he shall have the supervision and the general control of all public schools throughout the State. He shall receive a salary of five thousand dollars per annum, payable quarterly, on his own warrant.

ART. 138. The general exercises in the public schools shall be conducted in the English language.

ART. 139. The proceeds of all lands heretofore granted by the United States for the use and support of public schools, and of all lands or other property which may hereafter be bequeathed for that purpose, and of all lands which may be granted or bequeathed to the State and not granted or bequeathed expressly for any other purpose, which may hereafter be disposed of by the State, and the proceeds of all estates of deceased persons to which the State may be entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund on which the State

shall pay an annual interest of six per cent., which interest, with the interest of the trust fund deposited with this state by the United States, under the act of Congress, approved June 23d, 1836, and the rent of the unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

ART. 140. No appropriation shall be made by the General Assembly for the support of any private school or any private institution of learning whatever.

ART. 141. One half of the funds derived from the poll tax herein provided for shall be appropriated exclusively to the support of the free public schools throughout the State, and the University of New Orleans.

ART. 142. A University shall be established and maintained in the city of New Orleans. It shall be composed of a law, a medical, and a collegiate department, each with appropriate faculties. The General Assembly shall provide by law for its organization and maintenance; *Provided*, That all departments of this institution of learning shall be opened in common to all students capable of matriculating. No rules or regulations shall be made by the trustees, faculties, or other officers of said institution of learning, nor shall any laws be made by the General Assembly violating the letter or spirit of the articles under this title.

ART. 143. Institutions for the support of the insane, the education and support of the blind and the deaf and dumb, shall always be fostered by the State, and be subject to such regulations as may be prescribed by the General Assembly.

#### TITLE VIII—MILITIA.

ART. 144. It shall be the duty of the General Assembly to organize the militia of the State, and all able-bodied male citizens, between the ages of 18 and 45 years, not disfranchised by the laws of the United States and of this State, shall be subject to military duty.

ART. 145. The Governor shall appoint all commissioned officers, subject to confirmation or rejection by the Senate, except the

staff officers, who shall be appointed by their respective chiefs, and commissioned by the Governor. All militia officers shall take and subscribe to the oath prescribed for officers of the United States army, and the oath prescribed for officers in this State.

ART. 146. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public safety may require it. The militia when in active service shall receive the same pay and allowances as officers and privates, as is received by officers and privates in the United States army.

#### TITLE IX—MODE OF REVISING THE CONSTITUTION.

ART. 147. Any amendment, or amendments, to this Constitution, may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by two-thirds of the members elected to each House, such proposed amendment or amendments shall be entered on their respective journals with the ayes and nays taken thereon, and the Secretary of State shall cause the same to be published three months before the next general election for representatives to the General Assembly, in at least one newspaper in every parish in the State in which a newspaper shall be published; and such proposed amendment or amendments shall be submitted to the people at said election; and if a majority of the voters at said election shall approve and ratify such amendment or amendments, the same shall become a part of this Constitution. If more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately.

#### TITLE X—SCHEDULE.

ART. 148. The ordinance of secession of the State of Louisiana passed twenty-sixth of January, eighteen hundred and sixty-one, is hereby declared to be null and void. The Constitution adopted in eighteen hundred and sixty-four, and all previous Constitutions in the State of Louisiana are declared to be superseded by this Constitution.

ART. 149. All rights, actions, prosecutions, claims, contracts, and all laws in force at the time of the adoption of this Constitution, and not inconsistent therewith, shall continue as if it had not been adopted. All judgments and judicial sales, marriages and executed contracts made in good faith and in accordance with existing laws in this State, rendered, made, or entered into between the twenty-sixth day of January, eighteen hundred and sixty-one, and the date when this Constitution shall be adopted, are hereby declared to be valid, except the following laws:

"An act to authorize the widening of the new canal and basin." Approved March fourteenth, eighteen hundred and sixty-seven.

"An act to amend and re-enact the 121st section of an act entitled 'An act relative to crimes and offences.'" Approved December twentieth, eighteen hundred and sixty-five.

"An act for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding or secreting laborers, servants or apprentices." Approved December twenty-first, eighteen hundred and sixty-five.

"An act to punish, in certain cases, the employers of laborers and apprentices." Approved December twenty-first, eighteen hundred and sixty-five.

"An act in relation to exemption from State, parish, and city taxes for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five, in certain cases." Certified sixteenth March, eighteen hundred and sixty-six.

"An act granting ferry privileges to C. K. Marshall, his heirs, or assigns." Approved March tenth, eighteen hundred and sixty-six.

"An act to authorize the Board of Levee Commissioners of the levee district in the parishes of Madison and Carroll to issue bonds," etc., etc. Approved March twenty-eighth, eighteen hundred and sixty-seven.

Section third of "An act to organize the

police of New Orleans, and to create a police board therein." Approved twelfth February, eighteen hundred and sixty-six.

ART. 150. The laws relative to the duties of officers shall remain in force, though contrary to this Constitution, and the several duties be performed by the respective officers, until the organization of the government under this Constitution.

ART. 151. The General Assembly shall provide for the removal of causes now pending in the courts of this State to courts created by or under this Constitution.

#### TITLE XI—ORDINANCE.

ART. 152. Immediately upon the adjournment of this Convention this Constitution shall be submitted for ratification to the registered voters of the State, in conformity to the act of Congress passed March second, eighteen hundred and sixty-seven, entitled "An act to provide for the more efficient government of the rebel States," and the acts supplementary thereto.

ART. 153. The election for the ratification of the Constitution shall be held on Friday and Saturday, the seventeenth and eighteenth days of April, eighteen hundred and sixty-eight, at the places now prescribed by law; and the polls shall be kept open from 7 o'clock A. M., to 7 o'clock P. M. At the election all those in favor of ratifying the Constitution shall have written or printed on their ballots "For the Constitution," and those opposed to ratifying the Constitution shall have written or printed on their ballots "Against the Constitution."

ART. 154. In order to establish a civil government, as required by act of Congress passed March twenty-third, eighteen hundred and sixty-seven, an election shall be held at the same time and place at which the Constitution is submitted for ratification, for all State, judicial, parish and municipal officers, for members of the General Assembly, and for Congressional Representatives, at which election the electors who are qualified under the Reconstruction Acts of Congress shall vote, and none others; *Provided*, That any elector shall be eligible to any office under any municipal corporation in this State.

ART. 155. At the election for the ratification of the Constitution, and for officers of the civil government as required by Congress, all registered electors may vote in any parish where they have resided for ten days next preceding said election, and at any precinct in the parish, upon presentation of their certificates of registration, affidavit, or other satisfactory evidence that they are entitled to vote as registered electors.

ART. 156. The same registrars and commissioners who shall be appointed by the Commanding General of the Fifth Military District to superintend the election for the ratification or rejection of the Constitution shall also, at the same time and place, superintend the election for all officers and representatives herein ordered; *Provided*, They be authorized so to act by the Commanding General. And in case the Commanding General should not so authorize said registrars and commissioners, the committee of seven appointed by this Convention to take charge of the whole matter of the ratification of the Constitution and the election of civil officers shall appoint one registrar for each parish in the State, except the parish of Orleans, and one in each district of the parish of Orleans, counting Orleans, right bank, as one district, who shall, each in his parish or district, appoint a sufficient number of commissioners of election to hold the said election for said civil officers and representatives at the same time and place as herein provided for.

ART. 157. Returns shall be made in duplicate, sworn to by the commissioners holding the election, and forwarded within three days thereafter to the registrars of the parish or district. The registrars shall immediately forward one copy of said returns to the chairman of the committee of seven, appointed by this Convention, who shall, within ten days after the last return has been received, make proclamation of the result of said election.

ART. 158. All civil officers thus elected shall enter upon the discharge of their duties on the second Monday after the return of their election shall have been

officially promulgated, or as soon as qualified according to law, and shall continue in office for the terms of their respective offices herein prescribed, said terms to date from the first Monday in November following the election.

ART. 159. The General Assembly, elected under this Constitution, shall hold its first session in the city of New Orleans on the third Monday after the official promulgation aforesaid, and proceed immediately upon its organization to vote upon the adoption of the fourteenth amendment to the Constitution of the United States, proposed by Congress, and passed June thirteenth, eighteen hundred and sixty-six; said General Assembly shall not have power to enact any laws relative to the *per diem* of members, or any other subject, after organization, until said Constitutional amendment shall have been acted upon.

ART. 160. All registrars and commissioners appointed under this Constitution shall, before entering upon their duties, take and subscribe the oath of office prescribed by Congress, approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office;" the said oath of office shall be administered to each registrar by the chairman of the Committee of Seven and to each commissioner by the registrar appointing him.

ART. 161. All registrars, commissioners and other officers necessary to carry into effect the provisions of this ordinance, except as otherwise provided for by the Reconstruction Acts of Congress, shall be paid out of any funds raised by virtue of the tax ordinance adopted by the Convention, December twenty-fourth, eighteen hundred and sixty-seven, not otherwise appropriated.

[SIGNED]

James G. Taliaferro, President and delegate from the parish of Catahoula; Messrs. C. C. Antoine, of Caddo, L. W. Baker, of Bossier, Simeon Belden, Arnold Bertoneau, W. Jasper Blackburn, O. C. Blandin, Hy. Bonseigneur, E. Bonnefoi, William Brown, Dennis Burrel, Wm. Butler, W. R. Crane, R. I. Cromwell, Samuel E. Cuney, A. J. Demarest, Charles Depasseeau, P. G. Deslonde, Joseph Deslonde, A. Donato, Jr., David Douglas, Gustave Dupart, Ulger

Dupart, C. B. H. Duplessis, J. B. Esnard, Ls. Francois, Henry W. Fuller, John Gair, R. G. Gardiner, Leopold Guichard, Peter Harper, John S. Harris, O. H. Hempstead, Jr., Wm. H. Hiestand, James Henry Ingraham, Robert Hamlin Isabelle, Thomas Isabelle, George H. Jackson, Simon Jones, George Y. Kelso, James H. Landers, Victor M. Lange, Charles Leroy, Jas. B. Lewis, Richard Lewis, John Lynch, of Carroll, F. Marie, Thos. N. Martin, J. A. Massicot, William R. Meadows, Benjamin McLeran, W. L. McMillen, Milton Morris, S. R. Moses, Wm. Murrel, James Mushaway, Theophile Mahier, J. P. Newsham, Joseph C. Oliver, S. B. Packard, John Pierce, P. B. S. Pinchback, R. Poindexter, Curtis Pollard, George W. Reagan, D. H. Reese, F. Riard, Daniel D. Riggs, J. H. A. Roberts, L. S. Rodriguez, N. Schwab, Charles Smith, Sosthene L. Snaer, H. R. Steele, Chs. A. Thibaut, Ed. Tinchant, M. H. Twitchell, N. Underwood, P. F. Valfroit, Jno. B. Vandergriff, M. D., Michel Vidal, Rufus Waples, G. M. Wickliffe, Henderson Williams, David Wilson.

Mr. McMillen moved that as the specific work for which the Convention was convened has been accomplished, the *per diem* of its members do cease from this day.

Adopted.

By Mr. Belden:

*Resolved*, That a committee of three be appointed by the Chair to wait on Major General Hancock, commanding the Fifth Military District, and inform him that the Constitutional Convention has completed its labors, and that the Constitution is now ready to be submitted for ratification to the qualified electors of the State.

*Resolved further*, That a certified copy of this resolution be forwarded to him.

Adopted.

The Chair appointed as the committee, Messrs. Belden, Mushaway and Vandergriff.

The Convention adjourned till Monday, at 10 o'clock A. M.

A true copy:

WM. VIGERS, Secretary.

#### EIGHTY-FIRST DAY.

NEW ORLEANS, Monday, March 9, 1868.

The Convention met pursuant to adjournment and was called to order by the President at 12 M.

The roll was called and the following members answered to their names:

President J. G. Taliaferro; Messrs. Ba-

ker, Blackburn, Blandin, Brown, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Demarest, Depasseau, Deslonde P. G., Deslonde J., Donato, Duparte G., Dupart U., Duplessis, Fuller, Ferguson, Guichard, Harper, Harris, Harrison, Hempstead, Ingraham, Isabelle R. H., Jackson, Jones, Kelso, Landers, Lange, Leroy, Lewis J. B., Lewis R., Lynch, Marie, Martin, Meadows, McLeran, Morris, Moses, Murrel, Mushaway, Oliver, Packard, Pierce, Poindexter, Pollard, Reagan, Reese, Riggs, Roberts, Rodriguez, Snaer, Steele, Thibaut, Tinchant, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—60 members present.

The minutes were read and adopted.

#### ORIGINAL RESOLUTIONS.

By Mr. Lange:

*Resolved*, That the Secretary of this Convention be hereby instructed to send printed copies of this Constitution to the President of the United States, the President of the Senate, Speaker of the House of Representatives, the General of the army and to each member of both Houses of Congress.

Adopted.

By Mr. Blackburn:

*Resolved*, That until a regular and final adjournment, every member, official and employee of this Convention, shall be entitled to the regular *per diem* and pay.

The Chair decided that the resolution was not in order, as it was in conflict with a rule of the Convention adopted on Saturday day.

Mr. Hempstead moved to reconsider the resolution of Saturday providing for the stoppage of the *per diem* of members.

Mr. Tinchant moved to lay on the table.

Adopted—ayes 43, nays 22—as follows:

Yeas: Berthonneau, Blandin, Bonseigneur, Bonenfoi, Brown, Cooley, Crane, Crawford, Cuney, Dearing, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, Duplessis, Fuller, Ferguson, Guichard, R. H. Isabelle, Jones, Kelso, Lange, Lynch, Martin, Massicot, Meadows, McLeran, McMillen, Moses, Mushaway, Newsham, Oliver, Packard, Poindexter, Pollard, Riard, Rodriguez, Snaer, Thibaut, Tinchant, Underwood, Waples, Wickliffe, Williams, Wilson—43.

Nays: Baker, Blackburn, Cromwell, G. Duparte, U. Dupart, Francois, Harper, Harris, Hempstead, Ingraham, Jackson, Landers, Leroy, J. B. Lewis, Marie, Morris, Murrel, Pierce, Reagan, Reese, Riggs, Valfroit—22.

By Mr. Blackburn:

*Resolved*, That no penalty for the non-payment of Convention tax shall be exacted of any tax payer in the parish of Clairborne until the expiration of thirty days after a correct and official tax roll shall have been placed in the hands of the tax collector of said parish.

Mr. Cooley was called to the chair.

Mr. Wickliffe moved to amend by striking out the words "the parish of Clairborne" and inserting the words "any parish."

The amendment was accepted.

The resolution, as amended, was adopted, as follows:

*Resolved*, That no penalty for the non-payment of Convention tax shall be exacted of any tax-payer in any parish, until the expiration of thirty days after a correct and official tax roll shall have been placed in the hands of the tax collector of any parish.

Mr. Wickliffe moved to repeal the resolution regarding the qualifications of registrars.

Mr. Tinchant moved to lay the motion to repeal on the table.

Lost—ayes 32, nays 35—as follows:

Yea: Bertonneau, Bonseigneur, Brown, Cooley, Crane, Crawford, Cromwell, Cuney, Dearing, Depasseau, P. G. Deslonde, Jos. Deslonde, Donato, G. Duparte, Duplessis, Fuller, Ferguson, Harper, Leroy, J. B. Lewis, Lynch, Martin, McMillen, Morris, Mushaway, Myers, Poindexter, Riard, Rodriguez, Steele, Tinchant, Waples—32 yeas.

Nays: Baker, Blackburn, Blandin, U. Dupart, Francois, Guichard, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Landers, Lange, Marie, Massicot, Meadows, McLeran, Moses, Murrel, Newsham, Oliver, Packard, Pollard, Reagan, Reese, Riggs, Snaer, Thibaut, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—35 nays.

The motion to repeal did not prevail.

Mr. Meadows moved that the Convention do now proceed to the election of the Board of Registration, provided for by the ordinance of Feb. 13.

Mr. Bertonneau moved that all members of the Convention who consider themselves eligible to the position of Registrars, be requested to rise to their feet, in their places.

Mr. Hempstead moved to lay on the table.

Lost.

The motion of Mr. Bertonneau prevailed.

By Mr. Wickliffe:

*Resolved*, That each candidate for registrar shall be sworn to the fact that he is not, and will not be a candidate for any office whatever.

Adopted.

Mr. McMillen moved that the roll be called, and as each delegate's name is called, if a candidate for the Board of Registration, he shall take a seat on the platform.

Adopted.

Mr. Wickliffe moved to repeal the resolution of March 7th, in relation to the Board of Registration.

Mr. Tinchant moved that the committee appointed to wait upon General Hancock have leave to retire.

Mr. McMillen moved to amend by instructing the committee to inform Major General Hancock, commanding the Fifth Military District, that the Convention is about to conclude its labors and adjourn, and to furnish him with an official copy of the Constitution.

Adopted.

Mr. Wickliffe's motion to repeal the resolution of March 7, in relation to the Board of Registration, was adopted—ayes 31, nays 20—as follows:

Yea: Belden, Blackburn, Blandin, Deslonde P. G., Dupart U., Francois, Guichard, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Jones, Landers, Leroy, Marie, Massicot, Meadows, Morris, Moses, Murrel, Oliver, Packard, Pollard, Reagan, Schwab, Underwood, Vidal, Wickliffe, Williams, Wilson—31.

Nays: Bertonneau, Bonseigneur, Brown, Butler, Cooley, Crane, Crawford, Depasseau, Donato, Duparte G., Duplessis, Ferguson, Lynch, McMillen, Mushaway, Rodriguez, Smith, Snaer, Tinchant, Waples—20.

Mr. Crane was called to the chair.

By Mr. McMillen:

*Resolved*, That all clerical duties, unfinished at the time when the Convention may adjourn, be completed under the supervision of the President of the Convention, who is hereby authorized to employ two clerks for fifteen days at a com-

pensation of eight dollars per day each, payable upon the warrant of the President.

Mr Wickliffe moved to lay the resolution on the table.

Lost.

The resolution was adopted.

Mr. Packard moved that the Convention do now proceed to the election of the Board of Registration by ballot.

Mr. McMillen moved to repeal the ordinance of February 13th, creating the Board of Registrars.

Mr. Packard raised the point of order that his motion to proceed to the election has precedence, and that the motion to repeal could not be entertained until the previous motion had been disposed of.

The Chair decided that the motion to repeal was a higher one than the motion to proceed to an election, and had precedence.

Mr. Packard appealed.

The Chair was not sustained.

Mr. Waples moved to adjourn *sine die*.

Lost.

Mr. Waples moved that when the Convention adjourns to-day, it adjourn *sine die*.

Laid on the table.

Mr. Packard's motion to proceed to an election prevailed.

Mr. Packard moved that each delegate vote for seven candidates and that the seven persons receiving the highest number of votes cast, be declared duly elected.

Adopted.

The Chair appointed as tellers Messrs. Smith, Beronneau and Depasseau.

The roll was called, and the delegates as their names were read, deposited their ballots with the tellers.

The following named gentlemen were nominated, and received the number of votes set opposite their names, respectively:

Belden.....	7	votes.
L. Rodriguez.....	24	"
W. R. Crane.....	16	"
Beronneau.....	6	"
R. H. Isabelle.....	12	"
Waples.....	18	"
Packard.....	40	"
Harris.....	30	"
Underwood.....	27	"

Wickliffe.....	25	"
Brown.....	8	"
Ingraham.....	30	"
Hempstead.....	27	"
Wilson.....	9	"
Pinchback.....	7	"
McMillen.....	5	"
Cooley.....	5	"
Ferguson.....	4	"
McLeran.....	2	"
Blackburn.....	37	"
Gardiner.....	6	"
Vidal.....	1	"
Jones.....	1	"
Newsham.....	4	"
Harper.....	1	"
Reagan.....	6	"
Tinchant.....	2	"
Moses.....	3	"
Thomas Isabelle.....	1	"
Snaer.....	9	"
Fuller.....	7	"
Cromwell.....	1	"
Cuney.....	6	"
Harrison.....	2	"
Crawford.....	2	"
Mushaway.....	9	"
Blandin.....	6	"
Landers.....	2	"
Lange.....	6	"
Bonnefoi.....	6	"
Vandergriff.....	2	"
	2	"

The following named gentlemen having received the highest number of votes, were declared by the Chair to have been duly elected members of the Board of Registration:

S. B. Packard, W. J. Blackburn, J. S. Harris, J. H. Ingraham, O. H. Hempstead, N. Underwood, G. M. Wickliffe.

By Mr. Jones:

*Resolved*, That the clerks employed by the Committee on the Enrolling of the Constitution be allowed a compensation of one hundred and fifty dollars each for their labor.

Mr. Tinchant moved to amend by inserting \$75 in lieu of \$150.

Lost.

Mr. Rodriguez moved to amend by inserting \$100 in lieu of \$150.

Laid on the table.

Mr. McMillen moved to amend by inserting the word "three" before the word "clerks."

Adopted.

The resolution, as amended, was adopted, as follows:

*Resolved*, That the three clerks employed by the Committee on the Enrolling of the Constitution be allowed a compensation of one hundred and fifty dollars each for their labor.

By Mr. Crawford:

*Resolved*, That the Committee of Seven be instructed to perform the following duties, in addition to those now imposed on them:

1st. That they cause Convention warrants to sell at par.

2d. That they make *city* notes as good as State notes.

3d. That they cause State notes to be as good as greenbacks.

4th. That they make greenbacks as good as gold.

5th. That they pay the debt of the city of New Orleans, the State of Louisiana and of the United States, and for the purpose of performing these duties, all power in Heaven and on earth is hereby vested in them.

Mr. Wickliffe moved to amend by adding

That they be further authorized to take the author of that resolution to the Insane Asylum.

The resolution and amendment were ordered to be laid aside as ridiculous and irrelevant.

By Mr. Blackburn:

*Resolved*, That the Committee of Seven, appointed by this Convention, be and is hereby authorized and empowered to adjust the accounts for the unfinished public printing; and after said accounts are approved by said Committee, in accordance with the rates fixed for such printing, and endorsed by the President of the Convention, the Warrant Clerk—who shall hold over during the period of fifteen days, or for so much thereof as may be necessary—shall issue warrants in the usual manner for the same. And it shall be proper for the President of the Convention to sign such warrants officially.

Mr. McMillen moved to amend by striking out all after the word “resolved,” and inserting:

That the President of the Convention be authorized to adjust all claims against the State for printing done by order of this Convention, according to fixed rates, and to warrant upon the Treasury for the same.

Mr. Hempstead moved to lay the amendment on the table.

Lost.

The amendment was adopted—ayes 36, nays 23—as follows:

Yea: Berthonneau, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Cooley, Crane, Crawford, Cromwell, Demarest, Depasseau, Donato, G. Duparte, U. Dupart, Duplessis, Esnard Ferguson, Francois, R. H. Isabelle, Kelso, Lange, Lynch, Martin, McMillen, Moses, Mushaway, Pollard, Reese, Riard, Riggs, Rodriguez, Smith, Tinchant, Vandergriff, Waples, Williams—36.

Nays: Blackburn, Douglas, Gardiner, Guichard, Harper, Harris, Hempstead, Jackson, Jones, Leroy, Marie, Massicot, Meadows, Morris, Packard, Reagan, Roberts, Schwab, Snaer, Thibaut, Underwood, Wickliffe, Wilson—23.

The resolution, as amended, was adopted.

The President resumed the chair.

Mr. Belden, chairman of the Committee appointed to wait upon Major General Hancock and inform him of the completion of the labors of the Convention, submitted the following report:

To the President and members of the Convention:

GENTLEMEN—The undersigned Committee appointed to wait upon Major General W. S. Hancock to inform him that the Constitution was completed, and ready to be submitted to the qualified electors for ratification, beg leave to report that they have performed that duty under the resolution of the Convention by which they were appointed. Your Committee beg leave to state further that the Commanding General expressed to us some doubt as to whether the act of Congress, known as the “Reconstruction” Act, authorized the election of “State, parish and municipal elections,” at the same time of the election on the ratification of the Constitution.

He stated to us that he would at once order the election on the ratification of the Constitution, and would also at once telegraph to Washington for information as to the election of the State officers at the same time as proposed in the Constitution, and expressed the belief that under the act of Congress upon the subject now before the President, the election would be held as provided for.

Respectfully submitted,

S. BELDEN, Chairman;  
JAMES MUSHAWAY,  
JNO. B. VANDERGRIFF.

Which was received.

By Mr. Smith:

*Resolved*, That the thanks of the Convention be tendered to its honored President for the able, dignified and impartial

manner with which he has discharged the trying and onerous duties of his position as its presiding officer.

The resolution was unanimously adopted.

By Mr. Brown:

WHEREAS, Adolph Bernard, elected to represent the parishes of Calcasieu and Vermillion, has failed to appear in the Constitutional Convention to represent his district; therefore

*Be it resolved*, That the Warrant Clerk be instructed not to issue any warrant in favor of said Adolph Bernard, delegate elected from said parishes.

Adopted.

By Mr. Wickliffe:

*Resolved*, That this Convention, when it does adjourn, shall adjourn subject to the call of a quorum of the members; *Provided*, That should the Constitution be ratified, this Convention shall therefore be deemed adjourned *sine die*; but in case the Constitution should not be ratified, then the Convention may be reconvened by said quorum.

Mr. Ferguson moved to lay on the table.

Lost--ayes 21, nays 43—as follows:

Ayes: Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Butler, Crane, Crawford, Demarest, Depasseau, G. Duparte, Esnard, Ferguson, Kelso, Lynch, Martin, Mushaway, Rodriguez, Smith, Tinchant, Waples—21.

Nays : Belden, Berthonneau, Cromwell, Donato, Douglas, U. Dupart, Duplessis, Gardiner, Guichard, Harper, Harris, Hempstead, Ingraham, R. H. Isabelle, Jackson, Jones, Landers, Lange, Leroy, Marie, Massicot, Meadows, McLeran, McMillen, Morris, Moses, Murrel, Oliver, Packard, Pollard, Reagan, Reese, Riard, Roberts, Schwab, Snaer, Thibaut, Underwood, Valfroit, Vandergriff, Wickliffe, Williams, Wilson—43.

The resolution, reading as follows, was adopted.

*Resolved*, That this Convention, when it does adjourn, shall adjourn subject to the call of a quorum of the members; *Provided*, That should the Constitution be ratified, this Convention shall therefore be deemed adjourned *sine die*; but in case the Constitution should not be ratified, then the Convention may be reconvened by said quorum.

Ayes 35, nays 32, as follows:

Ayes: Donato, Douglas, Dupart U., Francois, Harper, Harris, Hempstead, Ingraham, Isabelle R. H., Jackson, Jones, Landers, Lange, Leroy, Marie, Massicot, Meadows. Morris, Murrel, Oliver, Packard,

Pollard, Reagan, Reese, Riggs, Roberts, Schwab, Snaer, Thibaut, Underwood, Valfroit, Vidal, Wickliffe, Williams, Wilson—35.

Nays: Belden, Berthonneau, Blackburn, Blandin, Bonseigneur, Bonnefoi, Brown, Cooley, Crane, Crawford, Cromwell, Dearing, Demarest, Depasseau, Duparte G., Duplessis, Esnard, Ferguson, Guichard, Garrison, Kelso, Lynch, Martin, McMillen, Moses, Mushaway, Rodriguez, Smith, Tinchant, Vandergriff, Waples—32.

Mr. Cromwell recorded the following reasons for his vote:

I vote no because I believe when we adjourn we have no power after we have completed the Constitution, in compliance with the Reconstruction Acts, therefore I vote no.

R. I. CROMWELL.

Mr. Waples moved that no *per diem* be allowed to the members of the Convention at any subsequent meeting that may be called in pursuance of the resolution just adopted.

The motion prevailed.

Mr. Francois recorded the following reasons for his vote upon the adoption of the Constitution as a whole:

Mr. President and Members of the Constitutional Convention:

I have voted for and signed the Constitution, because I believe it to contain the only means and measures by which the right of every loyal man in this State is safely secured.

S. FRANCOIS.

The President rose and addressed the Convention in the following impressive and eloquent words:

Delegates of the Convention:

We have at length brought our labors to a close, and have formed a Constitution, as I believe, in conformity with the Reconstruction laws of Congress. An important labor remains to be performed—that of seeing that it is ratified by the people; and this I consider a matter of paramount interest to the elections that are soon to take place. The anomalous condition of the State at this time, without its proper position in the Union, and without representation in Congress, is working serious injury to all the great interests of our country.

Gentlemen, if, during our debates, warmth of feeling has occasionally arisen, a thing common in all deliberative bodies, I feel well assured that it has always passed away with the occasion which gave rise to it; and that we part with no other than kindly feelings towards each other. I feel

grateful for the vote of thanks you have extended to me as your presiding officer, and I accept it as the expression of your opinion that whatever errors I may have committed in relation to the rules of debate, they were errors of the judgment only. We may never all meet together in this world, but I trust we shall in another and a better, after the toils, troubles and excitements of this life are over.

The Rev. Josiah Fisk was invited by the President to close the proceedings of the Convention with prayer, which he did in the following words:

Almighty God, our Heavenly Father, again we present ourselves before thee in the humble attitude of worshippers. We give thee our grateful acknowledgments and thanks for the preservation of our lives during the past night, and for the privilege of beholding the light of this pleasant day in health and peace.

We thank thee for health, for friends and for all the blessings which thou in thy infinite wisdom hast been pleased to bestow upon us frail mortals.

Bless the United States Government and all in authority. Guide all the officers in this State and nation in the ways of holiness. Give them hearts of repentance, that they may live holy lives themselves in all things.

Bless the President of these United States. Enable him to pause in his career of vice and folly.

May he cease from doing evil, and learn to do right. Bless the Congress of these United States now in session. Grant the members wisdom and prudence in the discharge of their duties. If, in order to advance the prosperity of our government, and to promote the principles of justice, it becomes necessary to remove bad men from office, enable them to discharge that duty promptly and with holy boldness,

leaving the results and consequences of such removal under thy control.

Bless this Convention, and each delegate, and officer connected therewith. May the Constitution, which they have just formed, be ratified, and remain the organic law of Louisiana for generations to come.

During the three and a half months not a single delegate has been called away by death. Their labors are completed, and they are about to adjourn and separate no more to meet on earth.

Enable each to live Godly—live so that they may be prepared to meet each other in joy around thy holy throne.

When they return to their homes may they meet with joyful greetings by friends and loved ones left behind. May they be permitted again to see the same bright eyes shining lovingly on them as they did before. May they feel the same dear arms twining fondly around them as in days of yore.

Bless the sick and afflicted. Bless the dying; may their deathless spirits be guided to the glories of Heaven. Bless the widows and the orphan, comfort and console them in their bereavement. Finally guide us all through life's shifting, meandering scenes. Guide us through the dark valley of the shadow of death, and from thence guide us safely home to Heaven, which favors we ask through the atoneing merits of Christ our Saviour. Amen!

Mr. Wickliffe moved that the Convention do now adjourn subject to call in accordance with the terms of the resolution previously adopted.

The motion prevailed, and the President declared that the Convention does now stand adjourned, subject to call as thus provided.

A true copy:

WM. VIGERS, Secretary.

## E R R A T A .

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Page 31, and subsequently wherever it occurs, read "McMillen" for "McMillan."

Page 32, 14th paragraph, second line, read "the" for "she."

Page 34, 6th paragraph, third line, read "one-half" for "half;" and fourth line, "from and after" for "from that, and," and second column, second paragraph, read "resolution" for "amendment."

Page 35, 9th paragraph, read "Dépasseau" for "Dupasseau."

Page 43, 2d column, 3d paragraph, 2d and 3d lines, read "Enrolling" for "Enroling."

Page 121, 2d column, 5th paragraph, 1st line, read "substituting" for "reading."

Page 128, 2d column, 18th paragraph, 1st line, read "Underwood" for "Uunderwood."

Page 129, 7th paragraph, 2d line, read "minority" for "majority," and 3d line, read "majority" for "minority."

Page 137, 2d column, 2d paragraph, 10th line, read "by" for "for."

Page 138, 15th paragraph, 3d line, read "from one parish to another," for "from one to another;" and 17th paragraph, 6th line, read "from one parish to another," for "from one to another;" and 9th line, read "acquired it in" for "acquired in;" and 17th paragraph, 6th line, read "los." for "loose."

Page 147, 14th paragraph, 3d line, read "in lieu thereof" for "in the line."

Page 148, 2d column, 3d paragraph, 2d line, read "amendment" for "amendments."

Page 151, 2d column, 11th paragraph, 2d line, read "lying" for "lieing."

Page 156, 1st line, read "commissions" for "commission."

Page 156, 3d paragraph, 2d line, read "justice" for "justsce."

Page 165, 2d column, 10th paragraph, 2d line, read "article" for "amendment."

Page 184, 2d column, 3d paragraph, read "Art. 100."

Page 186, 25th paragraph, read "adopted" for adoptud."

Page 187, 4th paragraph, 16th line, read "courts in evidence as" for "courts as."

Page 200, 1st paragraph, 4th line, read "The amendment was adopted."

Page 215, 4th paragraph, 6th line, read "list" for "day."

Page 219, 4th paragraph, 5th line, read "registrars" for "registration," and 5th paragraph, 4th line, read "or of the" for "or the."

Page 223, 4th paragraph, 5th line, read "registrars" for "registration," and 5th paragraph, 4th line read "or of the" for "or the."

Page 243, between the 9th and 10th paragraphs, read "Article 15 was adopted as follows:"

"ART. 15. The legislative power of the State shall be vested in two distinct branches; the one to be styled the House of Representatives, the other the Senate, and both the General Assembly of the State of Louisiana."

Page 245, 5th paragraph, 6th line, read "lose" for "loose."

Page 249, 5th paragraph, 3d line, read "Government" for "Goveronment."

Page 251, 1st paragraph, 3d line, read "and" for "they," and 2d paragraph, 5th line, read "General Assembly" for "Legislature."

Page 252, 11th paragraph, 1st and 9th lines, read "General Assembly" for "Legislature."

Page 252, 11th paragraph, Art. 83, omit period, and read "with" for "With;" and 2d column, 8th paragraph, 1st line, read "courts" for "cohorts."

Page 253, 2d paragraph, 11th line, read "impeachments" for "impeachment."

Page 271, 12th paragraph, read "table" for "tabled."

Page 263, 4th paragraph, 4th line, read "and for" for "for"

Page 272, 8th paragraph, 5th line, read "1867" for "1868."

Page 283, 13th line, read "held" for "have held,"

Page 272, 2d column, 13th paragraph, 1st line, read "General Assembly" for "Legislature."

Page 279, 2d column, 5th paragraph, 4th line, read "The resolution was adopted," and 6th paragraph, 2d line, read "notion" for "substitute."

Page 284, 11th paragraph, 4th line, read "\$12" for "\$24."

Page 298, Art. 28, 6th line, read "lose" for "loose."









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